

UNITED STATES COURT OF APPEALS  
FOR THE FIRST CIRCUIT

2-I

91

No. 82-1306.

RT. REV. DR. EDWARD WAYLAND,  
Plaintiff, Appellant,

v.

INTERNAL REVENUE SERVICE, ET AL.,  
Defendants, Appellees.

ORDER OF COURT.

Entered August 11, 1982

Treating the documents served on July 24, August 6  
and August 7, 1982, as a petition for rehearing, the same is  
denied.

By the Court:

/s/ DANA H. GALLUP

Clerk.

(cc: Mr. Wayland and Mr. Paup.)

OFFICE OF THE CLERK  
UNITED STATES COURT OF APPEALS  
FOR THE FIRST CIRCUIT

DANA H. GALLUP  
CLERK

1606 JOHN W. MCCORMACK  
POST OFFICE AND COURTHOUSE  
BOSTON, MASS. 02108  
(617) 222-2888

August 17, 1982

2-J

92

Rt. Rev. Edward Wayland  
PO Box 283  
Haverhill, MA 01830

Re: No. 82-1306. Rt. Rev. Dr. Edward Wayland v.  
Internal Revenue Service, et al.

Dear Sir:

Your notice of appeal to the Supreme Court has been received and filed.

Pursuant to a directive from the Office of the Clerk of the Supreme Court, rather than sending a copy to the Supreme Court Clerk's Office, I return to you a copy of your notice of appeal showing the date filed in this office. I am advised that you should include this copy of your notice of appeal in the appendix to your jurisdictional statement when you file that document with the Clerk of that Court.

Sincerely yours,

*Dana H. Gallup*  
Clerk.

DHG/cb  
Enclosure

Michael L. Paup, Esquire  
Chief, Appellate Section  
U.S. Department of Justice  
Tax Division  
Washington, DC 20530



2-K

Rt. Rev. Dr. Edward Wayland

APPEALS  
against U.S. CIRCUIT

No. 82-1306

93

Internal Revenue Service et al

ADMITTED, ADMITTED/AVERRED AS TRUE

NOTICE OF APPEAL

PRIMA FACIE EVIDENCE

8/14/82

Comes now the Appellant, Sovereign Citizen Sovereign Immunity Appellant, Rt. Rev. Dr. Edward Wayland, and herein gives NOTICE OF APPEAL to this court in instant case on numerous grounds, including those below (that which is not listed is NOT waived by omission).

1. Appellees Admitted, Admitted/Averred as TRUE all the facts and the law in the U.S.D.Ct. and the U.S.C.A.1. and thus, the court had NO alternative but to uphold the Constitution of the United States...WHICH IT REFUSED TO DO...and thus lost any and all alleged jurisdiction/authority.
2. In violating Constitutional Rights of Appellant, court had no jurisdiction/authority; and its "findings" are null and void. And, in so doing, supported and became accessory to the criminality of the lower court, and of the branches of government that have ADMITTED to being, and are, illegal, unlawful, unconstitutional, etc.
3. That where this is CHURCH-STATE confrontation, has violated the ESTABLISHMENT and FREE EXERCISE clauses of Amend. 1; and has established that it is Anti-Christian, Anti-GOD, Anti-Citizen.. Anti-Constitution. Thus, the "finding" was made upon "legalisms" that look like law but are not, rather than the Constitution of the U.S.
4. All prior pleadings are herein evoked.

*Rt. Rev. Dr. Edward Wayland* *pro se*  
 forma/pauperis  
 Sovereign Citizen; Preamble.A.9,10  
 Sovereign Immunity; " " " "  
 Affidavit//Theological Judgment

RT. REV. EDWARD WAYLAND  
 P. O. BOX 283  
 HAYTERVILLE, MA 01830

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UNITED STATES COURT OF APPEALS  
FOR THE FIRST CIRCUIT

No. 82-1306.

RT. REV. DR. EDWARD WAYLAND,  
Plaintiff, Appellant,

v.

INTERNAL REVENUE SERVICE, ETC., ET AL.,  
Defendants, Appellees.

BEFORE COFFIN, Chief Judge,  
CAMPBELL AND BOWNES, Circuit Judges.

MEMORANDUM AND ORDER

Entered July 6, 1982

Given the constitutionality of the tax collection procedures alleged to have been followed by the individual defendants, see Phillips v. Commissioner, 283 U.S. 589, 593-601 (1931); cf., Bob Jones University v. Simon, 416 U.S. 725, 746-47 (1974), the complaint stated no claim against them. And since Congress has not authorized this suit against the Internal Revenue Service, the complaint was properly dismissed with respect to that agency. See, Blackman v. Guerre, 342 U.S. 512, 514-15 (1952).

The judgment of the district court is summarily affirmed.

By the Court:

DANA H. GALLUP, CLERK.

By Francis P. Scigliano

Chief Deputy Clerk.

Red 7/23/82

(cc: Mr. Wayland, Messrs. Anderson and Paup.)

82-5488  
UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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1A

Rt.Rev.Dr.Edward Wayland  
Plaintiff

against

Internal Revenue Service  
Richard Greene  
Ms Chiccarelli  
Roscoe L Egger Jr  
Defendants

CIVIL No. 81-2155-G

ADMITTED, ADMITTED/AVERRED AS TRUE

PRIMA FACIE EVIDENCE

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

Comes now the Plaintiff, Rt.Rev.Dr.Edward Wayland, with Complaint for multiple Damages; and Complaint for Declaratory and Injunctive Relief for multiple violations of Constitutional, Statutory, and Civil Rights provisions.

I.

The Plaintiff, Rt.Rev.Edward Wayland, is a citizen of the United States of America, and is a resident of Lowell, Middlesex County, Commonwealth of Massachusetts.

II.

The Internal Revenue Service; P.O.Box 9107 J.F.Kennedy Postoffice Boston, Mass. 02203 is herein named Defendant.

Ms Chiccarelli; P.O.Box 9107 J.F.Kennedy Postoffice Boston, Mass. 02203 is herein named Defendant.

Roscoe L Egger Jr; P.O.Box 9107 J.F.Kennedy Postoffice Boston, Mass. 02203 is herein named Defendant.

Richard Greene; 50 Kearney Sq., Lowell, Mass 01852 is herein named Defendant.

III.

Jurisdiction of this suit is conferred on this Court under various provisions arising under, and pursuant to the Constitution of the United States; any part of which is jurisdictional;

PREAMBLE: which mandates that the government was established to protect the Sovereign Citizen (establishes Master/Servant); and which, coupled with Amends. 9 & 10, via Amend. 14, bring in all Inalienable Rights of the Declaration of Independence; Which establishes CONTRACT, determining government to be one party and the Sovereign Citizen as the second party.

Monongahela Navigation Co v U.S. 148 US 312,324(1892)Brewer

ARTICLE 1 S.9 & 10: wherein the Federal government (by enumerated powers), and State are prohibited from "impairment of obligation of Contract: The Constitution of the United States.

ARTICLE 3: wherein the Constitution, or any part is jurisdictional. *Brault v Town of Milton*; Key Citations; etc. *res judicata*.

ARTICLE 4: wherein the Constitution, coupled with Amend. 14, mandates and guarantees to the Sovereign Citizen ALL Equal Protection, Privileges and Immunities.

ARTICLE 6: wherein is Mandated that the Constitution of the U.S. is the Supreme Law of the Land; and ALL governments, etc. must uphold it as valid, binding law.

Amendment 1: Freedom of Religion;

Freedom of Speech;

And the Right to be heard;

And the Right to Petition the government for redress of Grievances; and to have those Grievances redressed.

Amendment 4: Right to be SECURE; which mandates that the only legitimate function of government is to protect the Sovereign Citizen; and that ALL his possessions are in Allodial Freehold.

Amendment 5: Guarantee of Procedural Safeguards (when government is one litigant).

Amendment 6: Further guarantees of Procedural Safeguards, which together with Article 3 guarantee Jury Trial in all Criminal (Public-Wrong) trials...and wherever government issue is challenged; such issue being Public-Wrong, must have all Procedural Safeguards.

Amendment 7: Guarantee of Common Law Jury Trial per pais (peers) which is (Public-Wrong) "trial by the country" (a mandated right), and NOT by the government on government-issue.

Amendment 8: Procedural Safeguards against retaliation by oppressive government practices, procedures, or any other form of government-tyranny, etc.

"There can be no sanction or penalty imposed upon one because of his exercise of Constitutional Rights."

*Sherrar v Cullen* (CA5 1973) 481 F2d 496

Amendment 9: mandate of UNENUMERATED RIGHTS..which IS the Common Law (not the king's Star Chamber & other king's controlled courts of "common law", etc....but the people's common law as derived from the Old & New Testaments, Ecclesiastical Law, and is, in reality: the Law of Conscience: God's Law of Liberty & Justice; and, where all things come from God, the various functions, departments, are in TRUST from God...and thereby ACCOUNTABLE both to God (Common Law) and to the Sovereign Citizen (preamble)



III(cont)

regardless of any fictitious "statutes" to the contrary.

Amendment 10: Reserved and Inalienable Rights, partly listed in the Declaration of Independence, and cannot be usurped by any "mandate" of corrupt & oppressive government...or any part, branch thereof.

Amendment 13: Prohibition against peonage; which peonage is established whenever government violates the Mandate of Master/Servant relationship established by the Preamble & multiple Supreme Court rulings.

Amendment 14: Guarantees of Due Process, Equal Protection-Privileges-and-Immunities; and which brings into effect the entire Declaration of Independence, and all prior petitions to king; and all prior documents of which there are eighty or more.

Magna Carta: the first written attempt to crystalize the Common Law which had been in existence for centuries...prior to 1215 A.D.

Common Law: the written..and unwritten..Law of Conscience: the Supreme Law of the Land (as founded on the CHRISTIAN principle), and which cannot be amended, usurped, nor voted away.

The Commonwealth of Massachusetts is a Common Law State; and, as such, the Common Law...not the federal concept of Common Law.. is thus brought into effect.

Allodial Freehold: established under the Common Law, and written into the Constitution by the Preamble, the Bill of Powers-and-Rights (and in particular Amends. 9 & 10); being born during the revolution against the king's oppressive claims to jurisd.

Common Law Copyright: as defined, more or less, in 18AmJur2d Sects. 1-10 which establishes and protects ALL First Disclosure Rights (supported by various federal statutes); and establishes the same damages as statutory violations of 17 U.S.C...by S.130-137 & Criminal penalties for infringement as in S.154-157.

42 U.S.C. 1983, 1985, 1986, 1988

Collusion/conspiracy under color-of-law to deny and to deprive Constitutionally mandated (and Common Law) Civil Rights

AmJur2d: Constitutional Law, Courts, Jurisdiction, Jury

74 AmJur2d Taxpayer Actions: wherein it is mandated that where the petitioner is denied redress under law, constitution: the source of that grievance is unconstitutional.

25 USC 1443, 7206,13,14,17, 7344, 7804(b)

28 USC 1346

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CONSTITUTION FOR COMMONWEALTH OF MASSACHUSETTS (common law state):

Thus, where both constitutions are based upon, and founded on the Common Law, the interpretation and meanings of the Constitutions MUST be determined ONLY by...and...at...Common Law.

COMMON LAW: as established by custom, practice from the Old & New Testaments.

IV

A. Violates Amendment 4, Due Process, Common Law, Allodial  
Freenold, etc.

C. That the Federal Reserve Act (& as amended 1935, 1980) which establishes a private central bank (permitted?); however, as STATUTE does NOT have the authority to amend the monetary system as defined in the U.S. Constitution; and thus is

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-5-  
COMPLAINT  
IV(cont)

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illegal, unlawful, unConstitutional in issuing non-backed, unlawful legal-tender (which ONLY the States have the right to do Art13.10) named federal reserve notes which are NOT Constitutional Dollars.

D. Amendment 17 (change of voting for senators) is illegal, unlawful, unConstitutional; for it has never properly been sent out of Congress, never properly ratified, never properly signed into law. Thus making ALL Congressional actions wherein the Senate is involved, jointly-or-separately, null and void.

E. That under Amendment 17 (change of voting for senators), the Senate "confirms" judges, chief justices, Secretaries, etc. That where, because of defective Amendment 17, NO senator has been lawfully elected since 1913; the Senate thus has no authority to "confirm" Department heads, Bureaus, Chief Justices, Justices, Judges, Magistrates..nor can the president be certified nor sworn into office as required by the Constitution by a Chief Justice unlawfully "confirmed" by an Amendment 17 Senate.

Nor can such unsworn presidents make lawful "appointments".

F. And, further: Ohio, West Virginia, New Mexico, Arizona, Hawaii, Alaska are not lawfully, Constitutionally "states"; thus cannot vote in Congress, nor ratify.

V.

That under the existant unlawful situation, the ONLY lawful, legal, Constitutional Access to Justice is by COMMON LAW JURY PER PAIS: CHRISTIAN.

Plaintiff, Rt.Rev.Dr.Edward Wayland, as Sovereign Citizen, herein demands Common Law Jury Trial per pais, peers: Christian.

VI.

And, Plaintiff, Rt.Rev.Dr.Edward Wayland, further demands that Three-Judge Court be convened....lawful, legal, Constitutional Judges...to assist (not direct) the Common Law Jury per pais peers: Christian...and to assist only.

VII.

Plaintiff, Rt.Rev.Dr.Edward Wayland, under Theological Jurisdiction and Authority, herein demands that Defendants be defended only by legal, lawful, Constitutional Counsel.

VIII.

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VIII.

And that where court rules and regulations, established since 1913, also fail the Amendment 17 test, thus being illegal, unlawful, and unConstitutional (on those and other grounds) on their face and in their application, Sovereign Citizen, Rt.Rev.Dr.Edward Wayland, herein under Quo Warranto the prerogative writ of the Sovereign, demands ANSWER in twenty (20) days; not the sixty of the rules: after which time Defendants are automatically in DEFAULT.

IX.

Thus, under defective Amendments 16, 17, and defective Federal Reserve Act of 1913 (as amended by Amdnd. 17 Congress):

Defendant Richard Greene has never legally, lawfully, Constitutionally been appointed or confirmed; and is thus outlaw.

Defendant Ms Chicarelli has never legally, lawfully, Constitutionally been appointed or confirmed; and is thus outlaw.

Defendant Roscoe L Egger jr has never legally, lawfully, Constitutionally been appointed or confirmed; and is thus outlaw.

That NONE of the Defendants had the jurisdiction nor authority to take any of the actions and inactions, as the case may be, and acted illegally, unlawfully, and unConstitutionally.

That the entire IRS Code (Title 26), having been introduced by an Amendment 17 Congress is illegal, unlawful, unConstitutional and null and void...not from the date of such declaration but to the date it was acted on in Congress...as though it had never existed.

X.

That the Department of the Treasury, the Internal Revenue Service, and the U.S.Tax Court has admitted/<sup>averred</sup> each is illegal, unlawful, unConstitutional; and thus outlaw.

XI.

And that each Defendant has admitted/averred to the facts and the law of all above and all that follows.

XII.

That the United States of America in No. 72-3269-M admitted/averred the federal reserve note is not lawful money, not a DOLLAR;



that Amendment 16 is unconstitutional; and much more (Jury Trial).

I.

The action taken by Defendant, Richard Greene, is not a surprise to Plaintiff, for Plaintiff spent considerable

5. time, after shutting off his tape recorder, with defend- and Richard Greene in an attempt to lead him back to Christianity, before, finally convinced defendant was a hard-core pagan, Plaintiff gave up as a hopeless cause.
6. A more detailed examination of the alleged "Notice of Deficiency"
  1. Under Quo Warranto of 1/22/81 (Prerogative Writ of the Sovereign((Preamble, Amends 9,10,14)) Internal Revenue Service had no jurisdiction, authority to issue.
  2. Entire "Notice" is false, fraudulent, perjury, subornation of Perjury; on tape; admitted/averred by defendants.
  3. Illegal for there was no proper, authorised signature, no postmark.
  4. Defendants refused to disclose under Freedom of Information Act (on which case has been defaulted by IRS); refused to answer legal questions, refused to produce anyone with know- ledge or authority.
  5. That NO Audit was ever made; that defendant agreed to not making an Audit.
  6. That the IRS "Manuals", etc. clearly list the procedure to be followed: Audit (none made)--Appeal to higher level (which was made, but ignored!)--Conference (none made)--etc. Thus the "Notice of Deficiency" was issued illegally by IRS rules. however, there are other SECRET Manuals...which the Plaintiff has a copy, and which has been denied exists by the IRS.

Yet, in BOTH sets of Manuals, the IRS is cautioned NOT to violate Constitutional Rights.

7. Demand for <sup>return</sup> \$50,000.00 stolen from Plaintiff's P.O.Box was made on defendant Richard Green,(and the IRS on several cert.) Cert. 0614169, 6/15/81. This theft was admitted/averred from 2/2/81 onward by all defendants.
8. All points presented by Plaintiff, Rt.Rev.Dr.Edward Wayland were admitted/averred by defendants; including charge of Theft, Criminal Fraud, Conspiracy, Perjury, Subornation-of- Perjury,that the IRS is illegal and outlaw; and, without the slightest regard for Article 6(3) violates the Constitution constantly, frequently, and unceasingly.

## II.

That by rushing through the "Notice of Deficiency", the IRS has deliberately, under color-of-law, conspired/colluded to deny and to deprive of Constitutional Rights (Civil Rights Act).

That this was, and is, a bare-faced attempt to SILENCE lawful questions and challenges by denyang, depriving of Constitutional Jury Trial mandated by Art. 3, Amends 6 & 7, by forcing, coercing

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II.(cont)

Sovereign Citizen into an arena (venue of U.S.T.Ct.) which is an extension of the IRS, and NOT a judiciary court where Plaintiff would not be allowed to have any Constitutional Rights. However, the U.S. Tax Court has also admitted/averred it has no jurisdiction, authority and is illegal, unlawful, unConstitutional, and outlaw.

That it is not necessary to establish direct evidence of conspiracy, circumstantial evidence is sufficient (Proving Federal Crimes, U.S.Gov't Print. Office.6th ed. pg.223.Sect.F Evidence of Conspiracy, and the citations therein).

III.

That Plaintiff, Rt.Rev.Dr.Edward Wayland, as Sovereign Citizen has demanded that the Defendants WITHDRAW the alleged "Notice of Deficiency". But, from past performances, Plaintiff does not believe the Defendants will do so.

IV.

That on June 26, 1961, Cert. #8595360 to the Internal Revenue Service (Sec.Treasury, Comm. Int. Rev.) Plaintiff, Rt.Rev.Dr. Edward Wayland, has demanded return of ALL moneys seized, damages, etc. This has been averred/admitted by defendants; and under Equal Protection, Privileges, and Immunities is now past due.

V.

Defendant, Richard Greene, denied and deprived of Constitutional Rights, interfered with his(Plaintiff's) rights to further appeal, admitted/averred to fraud, perjury, subornation-of-perjury, etc.

Defendants, Ms Chiccarelli and Roscoe L Egger jr, knowing the procedure of appeal, and having access to all documentation, rubber-stamped the actions of Defendant, Richard Greene, and are thus equally guilty; and have established collusion/conspiracy.

Defendant, Internal Revenue Service, is responsible for the actions of all subordinates, res judicata. And, where each member has violated the Article 6(3) oath to uphold the Constitution, has NO immunities whatsoever.

That all defendants are illegal, unlawful, unConstitutional and outlaw via defective Amendments 16, 17, and Federal Reserve Act of

1913 (as amended 1914-1981; Banking Act of 1935, Monetary Control Act of 1980), and are not allowed, by the Constitution, Common Law, etc. the Right to defend themselves, nor the right to any judiciary considerations.

Thereby, Plaintiff, Rt.Rev.Dr.Edward Wayland, herein demands that this Court find, and Order, that proper Information be prepared and presented to the Grand Jury for Criminal Action. (This is under the Equal Protection, Privileges and Immunities Clauses...for Defendants ordered Criminal Investigation of Plaintiff...for PUBLISHING advertisement...which investigation disclosed NOTHING. For, after all, Plaintiff was honored scientist on Manhattan Project).

VI.

That the Plaintiff, Rt.Rev.Dr.Edward Wayland, has been damaged by the actions and inactions of defendants, and herein demands 10,000,000.00 damages from each defendant (in addition to that filed in Appendix); and, where exemplary and punitive damages not being costs nor expenses are allowed, additional 10,000,000.00 in punitive damages, together with costs and expenses.

And, such costs, expenses, etc. shall be paid in lawful, Constitutional money: gold or silver.

For F.D.R. was NOT lawfully sworn into office as "president" (by a Chief Justice improperly "confirmed"; nor properly certified by the "Senate"..under defective Amendment 17; and thus did not have the Constitutional Authority to amend the Constitution by Executive Order ("fiat"); and that a Congress, with an Amend. 17 Senate could not "affirm" the removal of gold from the Sovereign Citizen and hand it FREE to a private, ALIEN corporation, for both the Executive and Legislative Branches have failed the Amendment 17 test.

VI

That which is not herein listed, above or below, is not waived by omission.

VII.

And that, furthermore, 26 U.S.C. Sections 6155, 6203, 6212, 6213, 6303, 6651(a), 6653(a) and all allied sections violate Article X of the Constitution for Commonwealth of Mass., which provides that when the government fails-to-protect, NO payment is required; and when (of if) payment is required it may be done in kind or services (at Citizen's option); provides for arbitrary, oppressive government practices under color-of-law in violation of Contract (Preamble,



While Saul was on the road to Damascus to eagerly persecute more Christians, Jesus Christ spoke to him: "Why do you persecute ME?" He did not say 'why do you persecute them, Christians, believers, or anything else....He said "ME".

And that under Theological Jurisdiction and Judgment (granted under Common Law when "statutes" fail), 26 U.S.C. Sections 6155, 6203, 6212, 6213, 6303, 6651(a), 6653 are illegal, unlawful, unconstitutional as it violates God's Law of Liberty and Justice which has been emphatically admitted res judicata by the Founders, the Constitution, and the U.S. Supreme Court.

X.

### CONDITIONAL PROVISIO

That where the IRS violates Art. 6(3), commits unnumerable abuses (Plaintiff has drawer full), maintains trigger-sappy goons and executioners, whosoever challenges IRS gestapo tactics is most certain of retaliation...and many have died under the most mysterious circumstances..not the least of whom is Cong. McFadden...

That if any "mysterious" event, etc. causes the death of Plaintiff, the IRS is to be charged with MURDER; and an additional 100,000,000.00 be paid to the surviving kin, any of whom is herein given authority to continue instant case.

Plaintiff, Rt. Rev. Dr. Edward Wayland, herein demands Common Law Jury Trial per pais peers.

At Rev. Dr. Edw. Kelly <sup>pastor</sup> and pro se  
forma pauperis

Sovereign Citizen  
Preamble, Amends 1, 4-10, 13, 14

P. O. BOX 1008  
LOWELL, MASS 01853

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UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

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Rt.Rev.Dr.Edward Wayland

against

Internal Revenue Service, et al

CIVIL No. 81-2155-G

COMMON LAW AFFIDAVIT OF PLAINTIFF

IN SUPPORT OF

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

I, Rt.Rev.Dr.Edward Wayland (Ph.D.,Ms.D.,D.D.) herein, under Common Law (Christian, not king's courts) affirm and depose that I am the Plaintiff in instant case, and that all listed (and more) on the COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF is true.

That under the Nuremberg provisions, Plaintiff is further excluded by judiciary orders, in addition to his Christian beliefs.

It is written: "Give unto Caesar that which belongs to Caesar"

But, who is Caesar?

The Preamble, Assends 9,10, Common Law quite clearly..and quite bluntly...state that the government is the servant, not the master. Thus, is Caesar the servant? Most certainly NOT!

Therefore, Caesar is: I.

Thus, that which Caesar claims is his just due.

It is further written:

Jesus said:

Moreover if thy brother shall trespass against thee, go and tell him his fault between thee and him alone: if he shall hear thee, thou hast gained thy brother. But if he will not hear thee, then take one or two more, that in the mouth of two or three witnesses every word may be established. And if he shall neglect to hear them, tell it unto the church: but if he neglect to hear the church, let him be unto thee as a heathen man and a publican. Matthew 18:15-17

And, II Cor 13:1; John 5:36,37; 10:25-28 establish the accepted requirement of 2-3 witness, or more; however, they also establish that the Minister is equal to 2-3 witnesses, or more, and the Minister's word does not need further corroboration.

And it is established that the heathen man is a pagan; that the publican is the infamous tax-gatherer and that no consideration to either is given here on earth, or later...that both are outcast and outlaw.

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Scripture is very informative, and quite firm, as to BAD servants, Wicked Rulers, and their ultimate fate.

Plaintiff, Rt.Rev.Dr.Edward Wayland, has established, beyond any question, that the Defendants are BAD servants, and are usurping powers to which they are not entitled; thus, becoming, on their own initiative: Wicked Rulers.

That where the Commonwealth of Massachusetts is Common Law state, the Common Law Affidavit is lawful, legal, valid and needs no further corroboration as being the testimony of a Minister, the equivalent of 2-3, or more, witnesses.

AFFIRMED AND SUBSCRIBED UNDER PAINS AND PENALTIES OF PERJURY  
ACCORDING TO THE COMMON LAW (CHRISTIAN, not former king's courts)  
THIS 22nd DAY OF AUGUST, 1981

*Rt. Rev. Edward Wayland* <sup>pastor</sup> pro se  
forma pauperis  
Sovereign Citizen  
Preamble, Amends 1,4-10,13,14

RT. REV. EDWARD WAYLAND  
P.O. BOX 1001  
LOWELL, MASS. 01853

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*Prima Facie Evidence*

June 12, 1961

14

Commissioner Internal Revenue  
Treasury Dept.  
Washington, D.C. 20224

Cert #0614160  
return receipt

COMMON LAW AFFIDAVIT OF SOVEREIGN CITIZEN,  
REVOCATION ALL 1040s, etc., DEMAND FOR RETURN  
ALL SEIZED "MONIES", etc. 1935 to date &  
CHARGE OF CRIMINAL FRAUDS.

Comes now the Sovereign Citizen, Rt. Rev. Edward Wayland Ph.D., Ms.D., D.D. and herein revokes all 1040's filed from 1935 to date (except 5th Amend Supp. Objection), and all other forms, etc. on multiple grounds listed below; and demands return of all "monies" seized during that time under numerous unconstitutional pretenses on the grounds that the Statute-of-Limitations, as the Constitution, applies ONLY to the Government, and NOT the Sovereign Citizen; and numerous other grounds listed below. And that such seizures having been done under color-of-law, the charge of CRIMINAL FRAUD is levied against all who participated.

Rt. Rev. Edward Wayland Ph.D., Ms.D., D.D. is a duly ordained minister, having been ordained both by God, and by men. He is Sovereign Citizen under the provisions of the Preamble, Amends 9, 10, 14 which is the Contract between Government, as servant, and Sovereign Citizen as master (Third-party, non-signer).

AFFIDAVIT is brought under Equal Protection, Privileges, and Immunities Clauses (wherein if the IRS & agents cannot be brought to account... then neither can Sovereign Citizen) 74AmJur2d Taxpayer Actions, Quo Warranto, Writ of Prohibition, Disclaimer of Jurisdiction & Authority, Declaration of Outlaw, God's Law of Liberty & Justice, Warning to the Wicked, Warning to Evil Rulers, denial of Right to Glorify Satan and those who do his bidding, Theological Jurisdiction, Magna Carta, Declaration of Independence Nuremberg declarations by U.S.S.Ct. Justices, Bill of Rights, etc...

The only legitimate function of government is to protect the Sovereign Citizen; the only legitimate function of the judiciary is to protect the Sovereign Citizen from oppressive government practices. The government has failed-to-protect, has issued unconstitutional and unlawful "money", illegally fired multiple inflations, violated due process of law (Art. X Const. Mass., a Common Law state, mandates

PS Form 3800, Apr. 1976

CONSULT POSTMASTER FOR FEES			
OPTIONAL SERVICES			
RETURN RECEIPT SERVICE			
REGISTERED MAIL	INSURED MAIL	REGISTERED MAIL AND INSURED MAIL	REGISTERED MAIL, INSURED MAIL, AND RETURN RECEIPT SERVICE
10¢	10¢	10¢	10¢
SPECIAL DELIVERY			
10¢	10¢	10¢	10¢
CERTIFIED MAIL			
10¢	10¢	10¢	10¢
REGISTERED MAIL AND SPECIAL DELIVERY			
10¢	10¢	10¢	10¢
REGISTERED MAIL AND INSURED MAIL AND SPECIAL DELIVERY			
10¢	10¢	10¢	10¢
REGISTERED MAIL, INSURED MAIL, AND RETURN RECEIPT SERVICE AND SPECIAL DELIVERY			
10¢	10¢	10¢	10¢

TO: **Com. Int. Revenue**  
Treasury Dept.  
Washington, D.C. 20224

FROM: **Edward Wayland**  
Sovereign Citizen

POSTAGE: **40¢**

MAILING DATE: **6/12/61**

MAILING TIME: **10:15 AM**

MAILING PLACE: **LOVELL, MA**

RECEIPT FOR CERTIFIED MAIL

P30 8614168

NO REFUND GIVEN FOR POSTAGE  
NOT FOR INTERNATIONAL MAIL  
(See Reverse)



that when the government fails to protect, the Sovereign Citizen is NOT required to pay). 15

That Amends 16, 17, 18 are unconstitutional on different grounds; and where Amend 17 is unconstitutional....NO laws passed since the alleged date of its ratification is lawful, legal, which includes the establishment of the IRS, U.S.T.Ct., etc.

This the government neglected to inform Sovereign Citizen; and fraudulent statement "Ignorance of the law is no excuse" does NOT apply for that is a deliberate and willful mis-translation of "ignorantia juris quod quisque tenetur scire, neminem excusat", which correctly translates to:

IGNORANCE OF THE RIGHTS WHICH EVERY ONE IS BOUND TO KNOW, EXCUSES NO MAN....an entirely different matter.

Thus, where the Constitution is valid only (Preamble, Articles, Amendments 1 to 15 only, other representations (under color-of-law, for Unconstitutional Law is from the date of its inception, rather than the date it is declared Unconstitutional) are, of course, Criminal Fraud.

And that the ex-post facto Clause applies only to government, not to the Sovereign Citizen; and claims under it are valid back to 1935! and before!!

One such claim is herein made for damages due to radiation on Manhattan Project, where the government refused medication and threatened to put Rt.Rev.D.W. in jail, and loss of career. (But then, the government ALWAYS threatens with jail to cover up its own corruptions, evils, mistakes, etc.)

And that the I.R.S. has admitted/averred to having raided and seized an estimated 50,000.00 from the Sovereign Citizen's post-office box; and has refused to return it.

That the illegal IRS has further multiplied its duplicity with illegal letters without signature, postmark, or signature of judge. Has refused to answer lawful questions, has necessitated actions under Privacy and F.O.I.A., has violated the entire Constitution, Common Law, Allodial Freehold, Abused ALL Amend. 1 Rights, Freedom of Religion in particular. Has instituted criminal investigation that is defamatory...without cause; and has admitted NO criminal findings of any kind. In collusion, conspiracy, veiled and not-so-veiled threats has harassed and persecuted

FOR, ARTICLE 6(3) binds the IRS...as well as the rest of government.

And, all actions thereby are CRIMINAL FRAUD. For, under Common Law there is only Public-wrong (criminal) between gov't and citizen; and Private-wrong (Civil) between citizens.

Thus, Sovereign Citizen, Rt.Rev.Dr.E.W. demands ALL alleged assessments, etc. made thus be vacated as being Criminal Fraud. For, the IRS, being illegal, has no Jurisdiction nor Authority to make such assessments, issue such statements, threats, etc.

And the IRS has repeatedly violated Sovereign Citizen's

A3

Common Law Copyright without his consent, without his permission, without compensation as required under 17U.S.C. 16 (Civil & Criminal).

In the early days when a man had a grievance he redressed it himself. During the formation of societies he gave up that right on the theory that when he was grieved the entire society was grieved and the society redressed it for him. However, when that society refuses to redress that grievance it has given back to the man the right to redress it himself.

Sovereign Citizen Rt. Rev. Edward Wayland Ph.D., Ms.D., D.D., herein demands redress of his grievances:

- Common Law Copyright
- Civil Rights
- Radiation damages
- Return of all "monies"
- Defamation & Harassment
- Violation Due Process, Procedural Safeguards
- Charge of Criminal Fraud, Unclean Hands
- Interests, costs, expenses, penalties, punitive damages

All the above, and what is not listed is not waived by omission, is brought up under Preamble, Amendments 9, 10, 13, 14, Theological Jurisdiction & Theological Judgment; for, it is established that where there is no redress under "law", Theological Jurisdiction & Judgment is supreme law, this being the Common Law as derived from the Bible.

Next step: Information to the Grand Jury.

SWORN AND SUBSCRIBED UNDER PENALTIES OF PERJURY ACCORDING TO THE COMMON LAW (Christian, not the king's courts) this 12th day of June, 1981

*Edward Wayland*  
\_\_\_\_\_  
forma pauperis  
Sovereign Citizen  
Preamble, Amendments 9, 10, 13, 14

Enclosed: bill

P. O. BOX 1008  
LOWELL, MASS. 01853

Summa Facie Evidens.

Cont # 8595367

17

Re: Notice of Deficiency dated 8/17/61; rec 8/19/61

1. IRS is illegal, outlaw and has NO jurisdiction nor authority to issue any such NOTICE. This has been admitted/overruled numerous times, and cannot now be denied.

2. Employees issuing such are, of course, under 1. above also illegal, outlaw, unlawful and unconstitutional, never having been properly, lawfully appointed or confirmed.

3. Such notice is conspiracy/collusion to deny, deprive of Constitutional Rights of Sovereign Citizen without due process, etc. Admitted/averrad/

4. Without admitting to legality, even under IRS "rules" the year 1977 is outlawed under 3-yr statute...to the government, that is.

5. The alleged Notice is, without question false, fraudulent, perjury, subornation of perjury; and has NEVER BEEN LAWFULLY ARRIVED AT. By IRS own "rules" the Sovereign Citizen has the RIGHT to appeal a lower decision...which Rt.Rev.Dr.Edward Wayland DID....and which appeal was ignored. That this establishes wanton, willful, criminal pattern!!

5. That the IRS admitted to illegally STEALING from the p.o.box of Rt.Rev.Dr.Edward Wayland an estimated sum of 50,000.00. HE DEMANDS THE RETURN!!!!!!

7. That the IRS has never denied the LEGAL points brought up by Rt.Rev.Dr.Edward Wayland...in fact...on tape... admitted Rt.Rev.Dr.Edward Wayland had NEVER (since 1968) received any LAWFUL MONEY...and thus had received NO DOLLARS...AND 26 U.S.C. specifically mandates DOLLARS

9. The U.S. gov't has admitted/averred that Amendment 16 is illegal, unlawful, unconstitutional....on the grounds Rt.Rev.Dr.Edward Weiland has advanced.

9. That a CHRISTIAN is NOT required to honor, glorify, uphold the works of Satan and those who do his bidding. In fact, by SCRIPTURE he is clearly forbidden to do so. That the IRS, etc. have admitted/avaered Rt. Rev. Dr. Edward Wayland, as a CHRISTIAN, is NOT REQUIRED!!!!

10. Article X Constitution for Commonwealth of Massachusetts.

11. Rt. Rev. Dr. Edward Wayland herein denies ALL presumptions in the false and fraudulent "Notice of Deficiency" an all above objections; and those which are not listed are NOT waived by omission.

PS Form 3800, Apr. 1976	
CONSULT POSTMASTER FOR FEES	
OPTIONAL SERVICES	
RETURN RECEIPT SERVICE	
TOTAL POSTAGE AND FEES	53
POSTMAN ON DATE	1987
<div style="border: 1px solid black; border-radius: 50%; padding: 10px; display: inline-block;">             MAY 12 1987              15           </div>	

12. That in addition to being illegal, unlawful, unConstitutional, all those participating in this criminal farce against Rt.Rev.Dr.Edward Wayland...and all other CHRISTIANS... are, by Scripture, heathens, pagans, and publicans wherein they are the children-of-satan and thus have no misgivings or uncertainty about their future; they will roast in hell for eternity, for they are judged, condemned and cursed by God, and bound by Scripture (and Rt.Rev.Dr.Edward Wayland prayer) to that future.

*Rt Rev Dr Edward Wayland, pastor*  
Sovereign Citizen  
Preamble; U.S.Const.

RT. REV. EDWARD WAYLAND  
P. O. BOX 1000  
LOWELL, MASS 01853

P30 8595367

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED—  
NOT FOR INTERNATIONAL MAIL

(See Reverse)

SENT TO		IRS P.O.Box 9107	
STREET ADDRESS		J.F.K.Postoffice	
P.O. STATE AND ZIP CODE		Boston, Mass 02203	
POSTAGE		\$	
CERTIFIED FEE		SPECIAL DELIVERY	
RESTRICTED DELIVERY		POST TO UNKNOWN AND DATE DELAYED	
OPTIONAL SERVICES		SHOW TO KNOW DATE AND ADDRESS UP	
RETURN TO SENDER WITH RESTRICTED DELIVERY		SHOW TO KNOW DATE AND ADDRESS UP	
POSTAGE AND FEE		POSTAGE AND FEE	
TOTAL POSTAGE AND FEE		\$53	
POSTMARK DATE		AUG 21 1981	



PS Form 3800, Apr. 1976

August 23, 1981

Commissioner Internal Revenue  
Treasury Dept.  
Washington, D.C. 20224

Cert # 8595368

20

Rt. Rev. Dr. Edward Wayland, Sovereign Citizen, without admitting to validity of IRS, herein demands answers and explanations under Freedom of Information Act: 5 U.S.C. 552, 552(a)...immediately. (Preamble, Amends 1,9,10,14).

Enclosed is copy of audit demand. Rt. Rev. Dr. Edward Wayland herein wants to determine whether such demand is lawful, legal, constitutional on the basis of the below;

1. Please explain how a perfectly valid IRS religious exemption number is ignored. Is there a preemptive program attacking God and His representatives here on earth? If so explain in detail.
2. Please explain where the IRS gets its authority, in view of Article 6(3) mandate that ALL branches uphold the Constitution, to violate the Constitution continuously, repeatedly, unceasingly with multiple assorted abuses against the Sovereign Citizens... including MURDER.
3. Please explain how a branch of government, any branch, can maintain jurisdiction and authority after violating the Constitution...when multiple Court decisions state bluntly that there is COMPLETE loss of jurisdiction and authority with the first violation of Constitutional Rights.
4. Please explain what has happened to the Common Law. Not the alleged self-serving "federal" common law; but that based on the Christian-ethic (Christian nation); and derived from the Old & New Testaments, and NOT from the former king's courts.
5. Please explain why the principles expounded at NUREMBERG that the Sovereign Citizen is required to resist EVIL government are ignored.
6. Please explain how in Breach-of-Contract (by irresponsible, corrupt government); the U.S. Constitution as Contract with government as servant; with Citizen as Sovereign, Master..and Third-Party, Non-Signer, can be forced upon one party exclusively. Isn't that government anarchy?
7. Please explain how under the Equal Protection, Privileges and Immunities Clauses the government can have jurisdiction & authority over the Sovereign Citizen...when at the same time the government falsely claims the Citizen has no jurisdiction & authority over the government. Also explain how equal protection, privileges, immunities applies to taxes where special privileges and immunities are granted or withheld on whim, without any lawful explanation.
8. Rt. Rev. Dr. Edward Wayland will not go into proofs on the next point. Amendments 16, 17, Federal Reserve Act of 1913 are illegal, unlawful, unconstitutional; never having come out of Congress Constitutionally, nor ratified Constitutionally. Thus, with illegal "income tax" amendment, illegal change of Constitutional monetary system, and illegal SENATE, how can anyone in the IRS be properly appointed and confirmed under "advice-and-consent" clause by an illegal Amend. 17 Senate? Explain.
9. Explain how, after the U.S. admitted/averred in jury 72-3269-M, that Amendment 16 is unconstitutional (b) federal reserve note is not DOLLAR, not lawful money as defined by the Constitution (c) that the U.S. has FAILED-TO-PROTECT the Sovereign Citizen (d) etc. the IRS can thumb its nose at the Courts, the law, and the Constitution.
10. Without admitting to the validity of IRCODE; please explain how the IRS can make further (recorded) admissions that the federal reserve note is not a DOLLAR....and still claim jurisdiction & authority when the "CODE" specifically state..BLUNTLY...DOLLAR.

11. Enclosed is demand to audit. Please explain, in view of above and below, just what Constitutional authority grants jurisdiction and authority that makes such an audit legal, lawful, Constitutional. (Rt. Rev. Dr. Edward maintains that there is NO such authority; and your refusal to answer, or answer in assorted gobbledygook, is affirmation of the claim that the IRS, not only being illegal and outlaw, had no jurisdiction nor authority at any time.
12. Please explain why Rt. Rev. Dr. Edward Wayland is required to pay when it is established (a) the federal reserve note is not a DOLLAR, (b) the IRCODE is illegal, unlawful, unconstitutional on its face and in its application, (c) that with an Amend. 17 Senate... no-one in the IRS has been Constitutionally appointed or confirmed, (d) it is established, res judicata, that the United States has failed to protect Rt. Rev. Dr. Edward Wayland... which under Article X of the Const. for Comm. of Mass specifically exempts payment for such failure to protect; and that those who are required are not required payment in monies... of which there is no lawful money to begin with, (e) Rt. Rev. Dr. Edward Wayland has religious exemption number authorized and issued by IRS
13. Please explain how the IRS can (a) refuse to answer questions relevant and pertinent to an audit, (b) issue a false and fraudulent "claim" and disregard challenges, (c) refuse to honor repeated demands to appeal to higher level... and directly issue a false and fraudulent "Notice of Deficiency"... which the IRS admitted/averred (in court) to be false and fraudulent; and also defaulted such charges Cert. #8614167 (6/1/81) (Affirmation of Default, etc).
14. Please explain how the IRS can continue harassment, etc., after having been Declared Outlaw for acting under color-of-law, denying & depriving of Constitutional Rights. (Cert #8614160; 5/15/81 which Default was Affirmed Cert #8614165; 6/1/81).
15. Please explain how the IRS, admitted/averred illegal and outlaw, can continue to make unconstitutional and illegal "claims" wherein it is established that its base, Amend 16, 17, Fed. Res. Act are defective and Unconstitutional.
16. Please explain how the IRS can continue to send its victims to the U.S. Tax Court (an extension of the IRS) wherein Constitutional Rights are denied, deprived; and victim is not allowed to bring up legal questions; and which U.S. T. Ct. has admitted (repeatedly) the "court" had no jurisdiction nor authority (1978-present); and was Declared Outlaw Cert #8614159 (5/15/81); and Default Affirmed Cert #8614166 (6/1/81).
17. As I understand, an Outlaw has no legal standing in any government. Please explain what special provisions these are in the Constitution that grants standing to an Outlaw, and Rights that exceed those of the Sovereign Citizen, the honest, law-abiding Citizen.
18. Please explain what lawful, legal, Constitutional Rights the Declared, and admitted/averred, Outlaw has in court. Also, are there special categories of Outlaw wherein some are more EQUAL.
19. Scripture (which is the foundation of Common Law) bluntly states that the testimony of the MINISTER is equal to that of 2-3, or more witnesses... and more. Please explain the Constitutional authority that grants the IRS the "privilege" of denying this absolute right.
20. That where your agent, R. Greene, has admitted/averred to being a liar, preparing false documents, denying Constitutional, (and IRS procedural) Rights, is, of course for such conduct, alleged to be a criminal. Please list names and addresses of like criminals employed; and why they have been allowed (trained to be criminals, or a natural-bent?)

21. Please explain why the 50,000.00 admitted/averred to have been stolen from the P.O.Box of Rt.Rev.Dr.Edward Wayland, together with books, pamphlets, assorted mail, never been returned as he demanded.
22. Please explain why, and who ordered, Criminal Investigation of Rt.Rev.Dr.Edward Wayland for advertizing which questioned the legal, lawful, Constitutional status of the IRS.
23. There is, res judicata, an expanding conspiracy that is alien, and non-Christian trying to destroy this nation. Are you part of this conspiracy? Is the IRS part of this conspiracy.

All above must be answered fully, truthfully, and clearly. For a liar is an abomination to God, and is most certain to be cursed, condemned and judged into eternal damnation. Nor can a few "good" acts wash away the harm done.

*Rt. Rev. Edward Wayland* *pro se*  
*forma pauperis*  
Sovereign Citizen  
Preamble, Amends 1,4-10,13,14

RT. REV. EDWARD WAYLAND  
P. O. BOX 1008  
LOWELL, MASS. 01853



UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

1B

23

Rt. Rev. Dr. Edward Wayland

against

Internal Revenue Service et al

CIVIL No. 81-2155-G

ADMITTED, ADMITTED/AVERRED AS TRUE  
PRIMA FACIE EVIDENCE

REQUEST TO CLERK FOR DEFAULT JUDGMENT

F.R.C.P. Rules 12(a); 55(a)(b)(1)  
(Supporting Common Law Affidavit Herewith)

TO: CLERK OF THE UNITED STATES DISTRICT COURT, Dist. of Mass.

Please enter Default judgment against each of the Defendants:  
Internal Revenue Service, Richard Greene, Ma Chiccarelli, Roscoe L.  
Eggar Jr., for the entire sums of the Complaint as claimed, together  
with 8% per annum interest, and costs, expenses on the basis of the  
attached Affidavits pursuant to Rules 12(a); 55(a)(b)(1) of the  
Federal Rules of Procedure.

RL REV. EDWARD WAYLAND  
P. O. BOX 1008  
LOWELL, MASS. 01853

Rt Rev Dr Edward Wayland pro se  
for a pauperis

AFFIDAVIT OF RT. REV. DR. EDWARD WAYLAND IN

SUPPORT OF REQUEST TO CLERK FOR DEFAULT JUDGMENT

I, Rt. Rev. Dr. Edward Wayland, according to the Common Law, depose  
and say under oath:

Defendants, Internal Revenue Service, Richard Greene, Ma Chic-  
carelli, Roscoe L. Eggar Jr., are in Default for failure to plead  
and ANSWER to Complaint or otherwise defend in this case for which  
this Default Judgment is required pursuant to Rules 12(a); 55(a)(b)(1)  
of the Federal Rules of Civil Procedure.

SUBSCRIBED AND AFFIRMED UNDER PAINS AND PENALTIES OF PERJURY, accord-  
ing to the COMMON LAW (as derived from New Testament...NOT from former  
King's Courts) this 25th day of September, 1981.

Rt Rev Dr Edward Wayland pro se  
for a pauperis  
Sovereign Citizen  
Preamble, Amendments 1, 9, 10, 14

RL REV. EDWARD WAYLAND  
P. O. BOX 1008  
LOWELL, MASS. 01853

CERTIFICATE OF SERVICE

24

This is to certify that service of the foregoing  
REQUEST TO CLERK FOR DEFAULT JUDGMENT  
REQUEST TO CLERK FOR ENTRY OF DEFAULT  
COMMON LAW AFFIDAVIT IN SUPPORT OF REQUEST FOR ENTRY OF DEFAULT(..)  
JUDGMENT BY DEFAULT UPON APPLICATION  
HAS been made this 25th day of September, 1981 upon Defendanta by  
depositing a copy thereof in the United States mail postage prepaid  
addressed to

Donald R Anderson  
1107 McCormack P.O. & Courthouse  
Boston, Mass 02109

*RT. Rev. Edward Wayland* pro se  
for a properia  
Sovereign Citizen  
Preamble, Amends 1, 4-10, 13, 14

RT. REV. EDWARD WAYLAND  
P. O. BOX 1008  
LOWELL, MASS. 01853

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

1C

25

Rt. Rev. Dr. Edward Wayland

against

Internal Revenue Service et al

CIVIL No. 01-2155-G

ADMITTED, ADMITTED/AVERRED AS TRUE

PRIMA FACIE EVIDENCE  
INTERROGATORIES PROPOUNDED TO DEFENDANTS

Comes now the Plaintiff, Rt. Rev. Dr. Edward Wayland, and herein propounds INTERROGATORIES to be answered under penalties of perjury according to F.R.C.P. Rules, the Common Law (Christian, not of the former king's courts); and though limited in content and number by F.R.C.P., remains unlimited under 5 U.S.C. 552, 552(a): Freedom of Information Act and Privacy Act. under which provisions these INTERROGATORIES ARE ALSO PROPOUNDED. That demand that all prior questions be answered under F.O.I.A., and all demanded proofs and evidences be furnished as required by law.

Proofs demanded must be complete; hearsay is not valid and not acceptable; and will be termed as "failure-to-answer", thus default.

Plaintiff, Rt. Rev. Dr. Edward Wayland, demands ANSWERS and PROOFS in TEN (10) days on the grounds of COMMON LAW, and Equal Protection, Privileges and Immunities wherein IRS demands response in ten (10) days.

In order to facilitate, copies of the INTERROGATORIES will be mailed to each Defendant: IRS, Richard Greene, Charles Walsh, Ms Chiecarelli, Roscoe L Egger Jr. There should be NO objection to the TEN (10) day demand, for the multiple Defendants have had MONTHS of challenge on the questions being propounded.

That although listed in instant complaint as "Plaintiff", Rt. Rev. Dr. Edward Wayland is TRULY the Defendant against oppressive government practices (Common Law, Public-Wrong provision wherein government is one litigant). And, as such is Guaranteed and Mandated Procedural Safeguards by the Constitution of the U.S.

I

1. State your name and address, employer (if any) name and address, position, authority (if any)

II

2. That in filing 12(b)(6), Defendants have admitted IRS Code is illegal, unlawful, unconstitutional;

Prove that alleged "statutes" (26 U.S.C., IRS Code) is lawful, legal, Constitutional.

-2-  
INTERROGATORIES  
II

26

3. That where the Burden-of-Proof is upon government on all Constitutional Questions;

Explain why the IRS has not been able to prove Constitutionality, jurisdiction or authority when challenged during the past FIVE years, and more.

4. Demand is herein made for YOU to prove jurisdiction and authority; and to prove the LIEN placed upon 27 Nichols St. Haverhill, Mass. 01830 is legal, lawful, Constitutional.

5. What judge signed the LIEN?

6. What Court issued the LIEN?

7. Prove that the LIEN was recorded lawfully, legally, in accordance with MASS. Laws in the Registry of Deeds, Salem, Mass. Valid U.S.A. laws? Constitution?

8. Where do you get Jurisdiction and authority to attack property held ALLODIAL FREEHOLD?

9. Where do you get jurisdiction and authority to attack a Christian CHURCH? (especially when duly incorporated, and with valid IRS exemption number?)

10. Where do you get jurisdiction and authority to attack CHRISTIANITY? Name and address of all involved demanded.

11. What is the standard definition of RELIGION? CHURCH?

12. Are you the person who, with gun and so forth, terrorized me and my family three years ago?

13. Prove you are NOT acting in BAD faith.

III

14. Prove that you have paid Rt.Rev.Dr. Edward Wayland the JURY verdict of DOLLARS as required by said verdict and judgment.

15. What are the names and addresses (if more than one) of all those who stole (as admitted/averred) 50,000.00 f.r.n. from the mailbox (PO 1008) in Lowell, 01853. Has that "money" ever been returned after being demanded by Rt.Rev.Dr.Edward Wayland?

16. Prove that the claim for \$1,000,000.00 for radiation damages from working developing first atomic bomb has been paid since 1945 with statutory interest (to Rt.Rev.Dr.Edward Wayland)?

17. In lieu of clearance by U.S.Government: who ordered Criminal investigation of Rt.Rev.Dr.Edward Wayland? Why?

18. Who, when, why, where, ordered that IRS "get" Rt.Rev.Dr. Edward Wayland?

19. Have all claims made by Rt.Rev.Dr.Edward Wayland against IRS been satisfactorily paid?

IV



20. What is "income"?
21. What is "gain"?
22. In view of the fact that the IRS (on tape, and court) admitted that "income" is "gain"; and "wages" is NOT "gain";  
PROVE that Rt.Rev.Dr.Edward Wayland is "required".
23. That where the IRS has admitted/averred the f.r.n. is NOT a DOLLAR:  
Prove that the federal reserve note is a DOLLAR as defined by the Constitution of the United States.
24. What is a "dollar"?
25. That whereas the U.S.A. and IRS has admitted (on tape and JURY trial) that the f.r.n. is not a DOLLAR; and has thereby attempted subornation-of-perjury by attempting to force a MINISTER by way of illegal, unlawful, unConstitutional LIEN demand for DOLLARS (when there are NONE), to admit (against his conscience and religious convictions) that the federal reserve note is a DOLLAR, which it is not. (For example; the jury verdict for him was in DOLLARS. However, he has NOT been paid in DOLLARS; and the IRS is publicizing that the MINISTER has admitted that federal reserve notes ARE dollars...which they are not);  
Prove you are not guilty of subornation-of-perjury.
26. Prove that the alleged LIEN is not FRAUD, FRAUDULENTLY recorded.
27. Where and how was jurisdiction and authority "created" (and by whom) to issue LIEN while instant case was in Courts on a question on the same, and relevant related, issues?

V

28. That where the U.S.A. and the IRS has admitted/averred as TRUE that Amendment 16 (income tax) and Amendment 17 (election of Senators) is illegal, unlawful, unConstitutional on multiple grounds:  
Prove that Amends 16, 17, and Federal Reserve Act of 1913 as ammended is lawful, legal, Constitutional, and valid-binding-law.
29. Prove that the federal reserve note was CONSTITUTIONALLY made a LAWFUL Dollar.

VI

30. Amendment 4; and Article X of the Const. Comm. of Mass. establish that the only legitimate function of government is to protect the Sovereign Citizen(Preamble, Amends 9,10); and when that government FAILS-TO-PROTECT the Rights, Property, Papers, Effects and Person of the Sovereign Citizen, it HAS NO VALID CLAIM UPON THAT SOVEREIGN CITIZEN AND HE IS NOT REQUIRED TO PAY!  
Prove that the U.S.A., the IRS, and other branches of the government have protected Sovereign Citizen, Rt.Rev.Dr.Edward Wayland. By illegally filing LIEN?
31. Where does the IRS, and YOU, receive jurisdiction and

## VII

32. Have you answered all questions truthfully and completely?
33. Have you anything to add?
34. Have all prior questions demanded of IRS been answered?  
Truthfully and completely?
35. Have you ever been called a liar?

SWORN AND SUBSCRIBED UNDER PAINS AND PENALTIES OF PERJURY THIS  
DAY OF 1981.

REFUSAL TO ANSWER, OR REFUSAL TO ANSWER TRUTHFULLY AND COMPLETELY IS PRIMA FACIE EVIDENCE affirming ALL Rt.Rev.Dr. Edward Wayland's complaints, charges, contentions, etc.

Of course, objection will be made to above INTERROGATORIES, but caution is herein made that such objections will not be accepted on face self-value. Objections must be made and established by Lawful, Legal, Constitutional objections and establish such Right to do so under the Constitution of the U.S. All other objections...or interference...whether by Legislative, Executive, or Judicial branch of government is herein declared illegal, unlawful, unconstitutional, in OUTLAW and ANARCHY. DEMAND IS MADE TO REMOVE "LIEN" ON 27 Nichols St., Haverhill, *Mass.*

RT. REV. EDWARD WAYLAND  
P. O. BOX 1008  
LOWELL, MASS. 01853

Sovereign Citizen  
Preamble, Amends 1,4-10,13,14

CERTIFICATE OF SERVICE

This is to certify that service of the foregoing INTERROGATORIES has been made this 4th day of November, 1961 upon Defendants: by depositing a copy thereof in the United States mail postage prepaid addressed to:

(Internal Revenue Service, P.O.Box 9107 J.F.Bennedy Postoffice  
Ms Chiocarelli                      " "

{Richard Greene, 50 Kearney Sq., Lowell  
{Charles Walsh " " " "

Roscoe L Egger Jr Dept. Treasury, Washington

Stephen J. Moynahan Jr, McCormack P.O.&Cths, Boston

AND Non-Defendant Registrar of Deeds, Salem, Mass.

~~Rt Hon. Edward Lloyd George~~ se  
forma pauperis

RT. REV. EDWARD WAYLAND  
P. O. BOX 1008  
LOWELL, MASS. 01853

UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

1D

29

Rt. Rev. Dr. Edward Wayland

against

I.R.S. et al

\*  
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\*  
\*  
\*

CIVIL No. 81-2155-G

ADMITTED, ADMITTED/AVERRED AS TRUE 1

PRIMA FACIE EVIDENCE

SPECIAL ATTENTION OF THE COURT

The U.S. District Court (Mass.) has recently denied that the Constitution of the U.S. is valid, binding law (Writing).

The U.S.C.A.1 has denied that the Constitution of the U.S. is valid, binding law (Writing).

The U.S.S.Ct., by its policies and actions has implied that the Constitution of the U.S. is NOT valid, binding law.

That where Amend. 16 is alleged by the government to be part of that Constitution, thus, Amendment 16 is NOT valid, binding law. And, furthermore, all statutes, rules, regulations based upon Amendment 16 are NOT valid, binding law.

Thus, ALL Title 26 United States Code (IRS Code); and the IRS is NOT valid, binding law.

*Rt. Rev. Dr. Edward Wayland* *pro se*  
for a pauper  
Sovereign Citizen  
Preamble, Amend 1,9,10

RT. REV. EDWARD WAYLAND  
P. O. BOX 1308  
LOWELL, MASS. 01853

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

IE

Rt.Rev.Dr.Edward Wayland

against

Internal Revenue Service et al

\*  
\*  
\*  
\*  
\*

30

CIVIL No. 81-2155-G

ADMITTED, ADMITTED/AVERRED AS TRUE

MOTION TO DISSOLVE

ALLEGED FEDERAL TAX LIEN

PRIMA FACIE EVIDENCE

Comes now the Plaintiff, Rt.Rev.Dr.Edward Wayland, and herein Moves and Demands this Court order that Defendant, and local IRS Dissolve and remove the alleged Federal Tax Lien filed against CHURCH property held Allodial Freehold in Salem, Mass Probate Court, Registrar of Deeds October 29, 1981 on the grounds:

1. Alleged Lien is fraudulent, in violation of Procedural Safeguards, etc.
2. Exempt under valid IRS exemption number.
3. Action taken is in violation of instant case and # 81-2155-G
4. Alleged Lien is illegal, unlawful, unConstitutional as IRS is illegal, unlawful, unConstitutional, OUTLAW, and ANARCHY. That Amend 16,17, Federal Reserve Act of 1913 (amends) are illegal, unlawful, unConstitutional.
5. Lien is vague & overbroad. It does not list DOLLARS...except as a last after-thought. In the meantime a list of numbers could mean bananas, chopsticks, thumbtacks--whatever. For the IRS has admitted/averred that there have been NO lawful dollars since March 18, 1960...possibly since F.D.R. 1933; and 26 U.S.C. alleges "jurisdiction" only over dollars.
6. That alleged "Lien" was fraudulently filed. The fee is FIVE DOLLARS. Fee was never paid, not in lawful dollars. Acceptance in the Registry does not establish legal filing...only that the Clerk was criminally deceived into "thinking" it was dollar.
7. "Lien" was illegally "determined" by an IRS ordered to "get" Rt.Rev.Dr.Edward Wayland in retaliation for standing on his CONSTITUTIONAL RIGHTS.
8. IRS has NEVER completed payment of Jury-Trial judgment; and has admitted/aserred as TRUE that IRS has robbed approx 50,000.00 f.r.n. from Plaintiff's postoffice box.
9. That such "Lien" establishes nation has ceased to be a Republic, a nation of Sovereign Citizen Individuals; and, in so doing; has "Failed-to-Protect" (Art.X Const. Comm. of Mass).
10. IRS has NEVER established jurisdiction or authority; and Sovereign Citizen has refused to accept such fraudulent claims and herein denies the IRS, the "Lien", or the IRSCode is valid



or binding upon Rt.Rev.Dr.Edward Wayland without his permission and consent. Permission and consent is herein denied. (Preamble, Amends 9,10. Contract; direct & implied on Third-party, Non-Signer).

11. That such "Lien" was made under Title 26 U.S.Code, which is illegal, unlawful, unConstitutional as having been issued out of an Defective Amend.17-Senate and Congress which violates the Amend. 4 Right To Be Secure, and other Constitutional Amendments; and that Such Rights can be amended (perhaps) by CONSTITUTION AMENDMENTS...and not by quicksand Statute! Which cannot now be done (since 1914) because of defective Amendment 17-Senate. Thus ALL 26 U.S.C. "passed" after 1914 are invalid, null and void as though they had never "issued" from Congress.

12. IRS has no jurisdiction nor authority. Plaintiff, Rt.Rev.Dr. has NEVER accepted such jurisdiction and authority. As Sovereign Citizen (Preamble, Amends 9,10) and master, he required to warn-the-wicked and to rebuke servant, government.

13. IRS has been challenged, charged, and has admitted/averred to all such challenges, charges; and is, of course, illegal, unlawful, unconstitutional, OUTLAW (without rights-at-law), and in ANARCHY (which violates provision of Republic).

14. Wherefore, IRS owes to Plaintiff, Rt.Rev.Dr. Edward Wayland, for partial-payment of judgment and for outright robbery:  
1,633,613.61 f.r.n. (or equivalent in lawful dollars)  
(in this instance only; not counting other Plaintiff claims)

WHEREFORE Plaintiff prays

That this Court will Dissolve alleged Federal Tax Lien and award to Plaintiff costs, damages, and expenses..the result of such illegal, unconstitutional actions by Defendant.

*Ed. Rev. Dr. Wayland* pro se  
For a pauperis  
Sovereign Citizen  
Preamble, Amends 1,4-10,13,14

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

IF

Rt. Rev. Dr. Edward Wayland

against

Internal Revenue Service et al

32  
CIVIL No. 81-2155-0

ADMITTED, ADMITTED/AVERRED AS TRUE  
PRIMA FACIE EVIDENCE

DEMAND FOR RESTRAINING ORDER

Comes now the Plaintiff, Rt. Rev. Dr. Edward Wayland, and here-  
in demands this Court issue ORDERD restraining the United States  
of America, and in particular the Internal Revenue Service, from  
harassing or interfering with Plaintiff.

1. Plaintiff has fought hard against oppressive government  
paractices which have violated Mandaged Constitutional Rights  
Guaranteed by the Constitution of the United States....and  
been harassed continually by the IRS, an alleged branch of the  
U.S.A.
2. The IRS has violated instant case by filing an alleged  
"Federal Tax Lien" against CHURCH property with valid IRS exempt-  
ion number, held in Allodial Freehold.
3. IRS is illegal, unlawful, unconstitutional as it was "formed"  
under illegal, unlawful, unConstitutional Amends 16117, Federal  
Reserve Act of 1913 and is OUTLAW, without rights-at-law; and  
where refuses to abide by ANY laws, had been so informed, is  
total ANARCHY, inviolation of the Constitutional mandate of  
Republic form of government.
4. That the IRS has practiced continued and unending persecution,  
harassment, retaliation, reprisal because Plaintiff dared to win  
against them in Court, dared to sue and hold accountable the  
Comm. Int. Revenue: Jerome Kurtz, Roscoe L Egger Jr, and a host  
of other Satan's-little-helpers.
5. That the U.S.A., via IRS, has tried NUMEROUS times in the  
Federal Courts to have Plaintiff handcuffed by RESTRAINING ORDERS  
so that he can be denied his Constitutional Rights. And under  
Equal Protection, Privileges and Immunities Clauses, Plaintiff is  
entitled and guaranteed (Preamble, Amends 9,10) the right to  
have Defendant, the IRS, and all Anti-Christians restrained from  
interfering with Plaintiff's Right to the Pursuit of LIFE, LIBERTY  
and the Pursuit of HAPPINESS.

RT. REV. EDWARD WAYLAND  
P. O. BOX 1008  
LOWELL, MASS 01653

Rt Rev Dr Edward Wayland pro se  
Sovereign Citizen  
Preamble, Amends 1,4-10,13,14

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

16

Rt. Rev. Dr. Edward Wayland

against

Internal Revenue Service, et al

\*  
\*  
\*  
\*  
\*  
\*

CIVIL No. 81-2155-G

ADMITTED, ADMITTED/AVERRED AS TRUE

SPECIAL ATTENTION OF THE COURT PRIMA FACIE EVIDENCE

Comes now the Plaintiff, Rt. Rev. Dr. Edward Wayland, and herein brings the attention of the court to vital facts and law:

Defendants have failed to answer, REFUSED to answer timely, and thus, by court-rules, are in DEFAULT; and have admitted/averred the entire complaint and demand for declarative and injunctive relief.

That the Plaintiff, Rt. Rev. Dr. Edward Wayland, has never knowingly admitted to the jurisdiction/authority of the LAW MERCHANT, the Uniform Commercial Code, and other alleged "judicial" forms (all alien and foreign to the U.S. Constitution) under which the IRS, et al., has operated to the damage of Plaintiff. The IRS has FAILED TO prove jurisdiction/authority (copy of latest demands attached) for quasi-legal, or completely illegal actions. Thus, in failing to prove jurisdiction (which they cannot), all actions against Plaintiff are FLSOM, SUBORNATION-of-FLSOM, ACCESSORY-to-FLSOM; and Defendants have FAILED-to-PROTECT the Sovereign Citizen from oppressive government practices as required by law.

Thus, without jurisdiction and authority, Defendants must return ALL properties of Plaintiff, Rt. Rev. Dr. Edward Wayland, which he has held Allodial Freehold (Freeman), together with damages resultant; and that the Defendants be Ordered-and-Restrained from interfering with the Guaranteed and Mandated Rights of Plaintiff.

(Offer of Proof: 32-40 pg. memorandum/if required)

*Rt. Rev. Dr. Edward Wayland* <sup>Plaintiff</sup> pro se  
Sovereign Citizen  
Preamble, Amends 1,4-10,13  
*forma pauperis*

RT. REV. EDWARD WAYLAND  
P. O. BOX 1008  
LOWELL, MASS. 01853

A

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re: 11/15/81 broadcast interview on SIXTY MINUTES (T.V.)

And, you stated "Best way we have of collecting money"; thus condoning illegal, unlawful, unConstitutional actions.

This is NOT the first report of your anti-citizen remarks and attitude.

Prove that you...or any underling...has jurisdiction and authority; and, Prove you can not be held to account for violating the Constitution of the United States.

Rev. Dr. Edward Wayland, pastor

PS Form 3800, Apr. 1976	
<p>Treasury Dept.          STREET ADDRESS          COMM. Int. Rev.          WASHINGTON, D.C.          ZIP CODE</p>	
<p>CONSULT POSTMASTER FOR FEES          OFFICIAL SERVICES</p>	
<p>RETURN RECEIPT SERVICE</p>	
<p>REGULAR DELIVERY          REGISTERED DELIVERY          FIRST CLASS MAIL          AIR MAIL          SPECIAL DELIVERY          REGISTERED MAIL          AIR MAIL          REGISTERED MAIL          AIR MAIL          REGISTERED MAIL          AIR MAIL</p>	
<p>TOTAL POSTAGE AND FEES</p>	
<p>POSTAGE ON DATE</p>	
<p>75</p>	

P30 8665304  
RECEIPT FOR CERTIFIED MAIL

RT. REV. EDWARD WALLACE  
 P. O. BOX 1002  
 LOWELL, MASS. 01852

Copies  
Dept. Trans. Comm. Int. Rev. #3614172  
IRS Lowell, Mass. R. Greene, C. Walsh #3614173



RE. REV. EDWARD WAYLAND  
P. O. BOX 1008  
LOWELL, MASS. 01853

Nov. 24, 1981  
Cert. #8614171

B

35

Department Treasury  
Secretary of the Treasury  
Washington, D.C.

re: Cert Nos. 0595370, 0595302, 0585305, 0595308, 0614165, 0614160,  
0614166, 0614159, 0595360, 0614167, 0595367, some of more  
recent date not listed; and others going back to 1950

Multiple demands have been made upon YOU, your "subordinates"  
to PROVE that the IRS has jurisdiction and authority. Demands to  
RETURN all seized properties have been made. Disclaimer of Jurisdiction  
and Authority has been FILED with proofs (unchallenged by IRS both  
direct and in the Courts) that IRS is illegal, unlawful, unConstitutional,  
and is acting in Anarchy against the Constitution; and is thusly  
OUTLAW without right-at-law.

when  
Title 5 U.S.C. Secs. 552(e) etc. establishes that/a challenge to  
IRS jurisdiction and authority is made, IRS must promptly, substantively  
materially ANSWER; and where demands are denied: the reason for DENIAL  
must be made PROMPTLY, etc.

The Department of Treasury, Sec. of Treasury, Commissioner of  
Internal Revenue, and all the assorted flunkie subordinates have  
failed to do, refused to do, and obstructed every attempt to determine  
what, if any, jurisdiction the IRS has or does NOT have.

Thus, over a period of TWENTY-THREE YEARS, it has been absolutely  
established that the IRS HAS NO JURISDICTION NOR AUTHORITY OVER THE  
SOVEREIGN CITIZEN, FREEMAN, nor can it produce any power-of-attorney,  
nor written consent and permission.

It has long been an established fact, res judicata, that when the  
Constitutional Rights of the Sovereign Citizen are violated, the per-  
petrator of the violations loses any and all jurisdiction and author-  
ity "they" may have had, quicksand statute notwithstanding.

However, a lesser known fact, and hidden from the public is the  
fact that such violation of Constitutional Rights IS FELONY. And  
all those who uphold, support, or in any way condone it (42 U.S.C.  
1986, 1981) are ACCESSORY-TO-FELONY, AND ARE EQUALLY GUILTY. As  
Watergate judicially settled the question of immunities...THERE ARE  
NONE...no-one: executive, legislative, or judicial is immune!

As stated above, the IRS has had TWENTY-THREE YEARS to prove it  
has Jurisdiction and Authority...and it has FAILED TO DO SO.  
And thus, the IRS has affirmed/admitted/averred it has NO Jurisdiction  
and Authority.

As Sovereign Citizen, I, Rt.Rev.Dr.Edward Wayland, have Declared  
the IRS as OUTLAW, which also has been affirmed/admitted/averred by  
the IRS.

Therefore, as Sovereign Citizen, Freeman, I herein demand the  
return of ALL properties seized illegally, unlawfully, unConstitutionally  
by illegal, unlawful, unConstitutional actions and IRS.

*Rt. Rev. Dr. Edward Wayland* *factor*  
pro se  
for a pauperis  
Sovereign Citizen  
Preamble, Amends 1,4-10,13-14

RE. REV. EDWARD WAYLAND  
P. O. BOX 1008  
LOWELL, MASS. 01853

Copies  
Dept. Treas. Comm. Int. Rev. #8614172  
IRS Lowell, Mass. R. Greene, C. Walsh #8614173

November 2, 1981

Cort. #8595382

36

Treasury Department  
Commissioner Internal Revenue  
Washington, D.C.

re: DEMAND for you to PROVE the existence of JURISDICTION and Authority at any level: Administrative, Judicial, etc. This is a Title 5 U.S.C. s.101-559 Attack, in preparation for JUDICIAL REVIEW under 5 U.S.C. 701-706; F.R.A.P. Rule 1,15+ Law express/implied in 26 USC.C. (alleged IRS Code) 7401+ (20 U.S.C. 2341+); Stark v Wickard, 321 US 208, etc.; 5 U.S.C. 101+.

INTERNATIONAL LAW and the LAW MERCHANT govern this case(?)

ADMINISTRATIVE DOCKET No. \_\_\_\_\_

This is an ADMINISTRATIVE DEMAND:

1. Please NOTE that this is a statutory and FIRST AMENDMENT attack against YOUR alleged Jurisdiction or claimed or asserted or supposed jurisdiction as affects my RIGHTS, IMMUNITIES, PERSON, Property, Interests and Endeavors. (101-559)

That filing this DEMAND DOES NOT IN ANY WAY Accept or Agree to YOUR alleged jurisdiction...which YOU allege...and which I, Rt.Rev.Dr.Edward Wayland deny exists, ever existed, or ever will exist.

You are now REQUIRED AS A matter of mandate of Law (Sect 101-559 (701-706) to plead and to PROVE on the Administrative Record that the herein expressly and impliedly OBJECTED TO supposed and alleged JURISDICTION exists--

by production of jurisdictional facts which counter my jurisdictional facts of IMMUNITY TO, and RIGHT TO BE FREE from Federal and STATE DIRECT TAXATION and regulation as in Wilson v U.S., U.S. v Texas.

The BURDEN OF PROOF is on YOU (5 USC 556(d), 559, s.2, 556(b), 557+ especially 557(c)(3)(A+B), 556(e) as herein applied at infra 554(b)(2)+, 551, 101, 559(e) etc.

"Burden of going forward" applying to you as well as SUBSTANTIVE PROOF of jurisdiction, "going forward" NOTWITHSTANDING.

Although the Alleged "income" (sic) tax as applied to corporations is INDIRECT and perhaps constitutional on the FRANCHISE-of-State created privilege of corporate existence/contract enforcement/limited liabilities not known at common law (Christian, not former king's courts; First WRITTEN English Law: King Alfred 600A.D. began with the TEN COMMANDMENTS)...merely measured by the "income" (which definition issuing from the IRS is classified as "gain", and "wages" not being "gain" are NOT "income")---merely measured by the "income"--and is NOT a tax on that "income"--that same tax law and related regulation, as applied BY you et al..to ME, Rt.Rev.Dr. Edward Wayland, minister, pastor, and exempt by lawful IRS Number and Amendments 1,9,10...becomes DIRECT; and is invalid (Pollock)

THIS IS AN ADMINISTRATIVE DEMAND FOR ADMINISTRATIVE LEVEL REMEDY AND RELIEF (5U.S.C.705) from past, present, future "legal wrongs" contemplated by 5 USC 702, 706.

PLEASE CONDUCT YOURSELF ACCORDINGLY...and avoid evasion, misfeasance, malfeasance, nonfeasance, fraud, conspiracy, impersonation of federal officer, theft, conversion and other crimes and torts (26 USC 7214).

2. Rt.Rev.Dr.Edward Wayland has Right to demand Administrative Remedy under Amend 1 Right to Petition for Redress of Grievances; Freedom of Religion; Amends 9,10, 5 U.S.C.; and the Secretary of the Treasury, the Commissioner of Internal Revenue, and the U.S. Attorney General are by Congressional intent (law)..are the OBJECTS of, SUBJECTED to, and BOUND by 5 USC 101-706, 101, 559, etc.;

and Article 6 clause 3 of the Constitution of the United States.

3. That, by mandate of LAW, Rt.Rev.Dr. Edward Wayland is NOT required to accept the Secretary of Treasury or U.S. Attorney' delegate.

4. I, Rt.Rev.Dr. Edward Wayland, herein DENY, AND CHALLENGE AND put on you the PROOF ON THE RECORD of your supposed, claimed or asserted JURISDICTION over my PERSON, property, interestes, endeavors; and DENY YOU OR YOUR DELEGATES have jurisdiction or authority under any rules, regulations, statutes, or parts of the Constitution of the United States to file

LIEN upon CHURCH property, held in ALLodial FREEHOLD, in the names of innocent Sovereign Citizens

on false and fraudulent claims that have been repeatedly denied, with legal, lawful, Constitutional reasons given for such DENIALS, and which have been repeatedly ignored.

5. I, Rt.Rev.Dr. Edward Wayland, herein object to such illegal seizures; object to alleged "official" notice; protest the denial of Jury Trial by-the-country. Thus all such actions are fraud, fraudulent.

6. That such actions have caused, are causing, and continue to cause irreparable and irrecompensable HARM, DAMAGES, AND OTHER PREJUDICE. That CONFISCATION of CHURCH property is a most reprehensible and abominable CRIME.

7. DEMAND IS HEREIN MADE FOR REMOVAL OF THE FRAUDULENT LIEN; and the return of all monies, properties, papers, etc. seized by above-described "delegates" who have also failed to establish jurisdiction or authority; in fact, have admitted/averred (that such jurisdiction and authority does not exist) as TRUE.

8. CHARGE is herein made that not only does this "branch" of government have no jurisdiction and authority, but KNOWS that it has no jurisdiction and authority, and illegally, unlawfully, unConstitutionally is WATERGATING such knowledge from the general public.

9. And now for the proofs behind the DENIAL, and in support of it: (Admitted/Averred as TRUE in court, tapes, etc.)

Amendment 16, 17 have never lawfully issued from Congress, have never lawfully been ratified by 3/4ths of the lawful states, and never properly signed into law.

Thus, all actions by defective Amend-17 Senate are illegal, unlawful, unConstitutional; that no Comm. Int. Rev. or any "delegates" thereof have been Constitutionally appointed, certified, confirmed into office. That NO statutory amendments, rules, regulations issuing from Amend-17 Senate are lawful, legal, Constitutional...nor can ever become such.

That, even if Amend 16 and 17 were valid (which they are NOT) the U.S.C.A.1. has stated, IN WRITING, that the Constitution of the United States...the entire Constitution...is NOT valid, binding law.

That the U.S.D.Ct. (Mass) has also stated bluntly that the Constitution is NOT valid, binding law.

That: Amendment 16 is a part of the Constitution that the Federal Courts deny is valid, binding law, and thus, Amendment 16, the Income Tax and all supporting "statutes", rules, regulations based on and founded upon Amendment 16 are null and void as though they had never been passed. And that any and all actions taken under color-of-law of Amendment 16 are thus criminal.

Furthermore, I, Rt.Rev.Dr.Edward Wayland, as Sovereign Citizen under Preamble, Amends 9,10, Common Law, etc. have Declared this "branch" of government, the IRS, is OUTLAW. This has been Admitted/Averred as TRUE.

As OUTLAW, such person, persons, branches of government, etc. have NO RIGHTS-AT-LAW.

Thus, such OUTLAW have NO jurisdiction to seize, assess, or make any demands upon the SOVEREIGN CITIZEN.

10. That this DEMAND does NOT condone the status of OUTLAW in any form. In fact, it is demand for proof of jurisdiction and in failure-to-prove the DEMAND FOR RETURN OF ALL SEIZED PROPERTIES, REMOVAL OF ALL LIENS, AND UPHOLD THE CONSTITUTION OF THE UNITED STATES.

SUBSCRIBED AND AFFIRMED UNDER COMMON LAW (Christian, not former king's courts) UNDER PAINS AND PENALTIES OF PERJURY (wherein it is not required under common law to verify signature of minister) this 2nd day of November, 1961

*Rt Rev Dr Edward Wayland* <sup>pastor</sup> pro se  
Sovereign Citizen  
Preamble, Amends 1,4-10,13,14  
in forma pauperis



UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

1H

Rt. Rev. Dr. Edward Wayland

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against

CIVIL No. 81-2155-G

Internal Revenue Service et al

ADMITTED, ADMITTED/AVERRED AS TRUE

PRIMA FACIE EVIDENCE

OATH OF PURGATION

I, the Plaintiff, Rt. Rev. Dr. Edward Wayland, herein depose and say (in third-party form,) by Oath of Purgation which is valid by Common Law (Christian) and which has been in existence for more than 1500 years:

I

That Rt. Rev. Dr. Edward Wayland is the Plaintiff in instant case, in name only. Though this is listed as a "civil" case, under the provisions of the Common Law, Public-Wrong Category, he is truly DEFENDANT against oppressive government practices.

II

That Rt. Rev. Dr. Edward Wayland comes now, without admitting to the jurisdiction of oppressors, without granting them same, in the act of Cleansing, Purgings, and Exonerating himself of all crimes, accusations, and suspicions of guilt by denying all charges made against him, on Oath or by Ordeal; and declaring he is innocent of all charges, accusations, crimes, suspicions, innuendoes, contempts, etc.

3 B1 Comm 447  
4 B1 Comm 368

III

At all times, Rt. Rev. Dr. Edward Wayland, has demanded justice as his Right as Sovereign Citizen, Freeman, unenfranchised under the legal, lawful portions of the Constitution. And, for which demands his accusers have proceeded with sanctions, in retaliation, against him, his family (including 90+yr old mother) to his distress; and to that of his family in attempting to place restraints and contempts upon Rt. Rev. Dr. Edward Wayland; and charging both him and his family falsely and with crimes which the accusers have been unable to substantiate or to prove.

IV

IV

40

That Rt.Rev.Dr.Edward Wayland has never been allowed..as Guaranteed and Mandated by the Constitution of the United States... his ACCUSERS. And he has been denied justice in that these multiple defaults have been ignored by the alleged judiciary authority.

V

Rt.Rev.Dr.Edward Wayland denies that commercial law, administrative law, secret laws and treaties that he knows nothing about..and which he has not agreed to, nor signed..as being valid or binding upon him as the Sovereign Citizen, Freeman, unenfranchised. And has demanded, numerous times, that his accusers establish legal, lawful, Constitutional jurisdiction/authority. That such quicksand statutes, rules, regulations are unconstitutional on their face and in their application; and a total FRAUD.

And which his accusers

Dept. Treasury; Sec. Treasury; Comm. Int. Revenue; Dept. Justice, U.S.Attys.; U.S.Tax Court; U.S.D.Ct.; U.S.C.A.1.; U.S.S.Ct.; local IRS lackeys; etc.

have been unable to establish as jurisdictional and granting authority; thus establishing that the actions of the accusers, done without jurisdiction and authority, are totally criminal. Which Criminality the Commissioner Internal Revenue Roscoe L Egger jr acknowledged on T.V. to an audience of millions.

VI

U.S.T.Ct.

The U.S.Tax Court FOUR times admitted it had absolutely NO jurisdiction/authority. When it is established that a "court" has no jurisdiction (or any other branch of government) then it can not proceed. However, this did NOT deter the U.S.T.Ct....WHERE THE LITIGANT, COMM. INT. REV., DID NOT APPEAR; and by all court rules DEFAULTED.

Thus, Rt.Rev.Dr.Edward Wayland was DENIED not only multiple other Constitutional Rights, but also the Right-to-face-his-Accuser; and with no opposing litigant, the accuser MUST be defaulted. The U.S..T.Ct., of course, did not.

However, both the IRS and the U.S.T.Ct. ADMITTED:

- 1.No jurisdiction/authority
- 2.Amendment 16 is unconstitutional
- 3.The Federal Reserve Note is NOT a DOLLAR
- 4.The IRS claims against Rt.Rev.Dr.Edward Wayland were and remain a total FRAUD
- 5.That the "case" was NEVER removed from U.S.D.Ct. where it had been filed
- 6.That actions against Rt.Rev.Dr.Edward Wayland are deliberate persecution
7. etc.etc.etc.etc.

That where the U.S.T.Ct. is not a Judicial court, its alleged findings cannot be judicially cited; and where U.S.T.Ct. admitted to WANT of jurisdiction/authority under U.S.Constitution, commercial,

administrative law, secret or hidden laws & treaties, etc. no alleged "finding" is valid...thus being totally null and void as though they had never been made.

In addition, the U.S.T.Ct. admitted/averred as TRUE that it was Anarchy and Outlaw.

# VII

U.S.D.Ct., U.S.C.A.1., U.S.S.Ct.

Both the U.S.D.Ct. and the U.S.C.A.1. denied that the Constitution of the United States is valid, binding law; thus, ceasing to be, on that point, lawful, legal, Constitutional Courts of the United States.

The U.S.S.Ct., in refusing to docket several of the "cases" thus denied the Amendment 1 Right to Petition for Redress, etc.; and in so doing denied the Constitution was valid, binding law... without actually facing that issue; and, when demanded; ignored it.

Rt.Rev.Dr.Edward Wayland was denied his Constitutional Rights in the tiered-judiciary system...and never allowed to face his Accusers. Thus, his Accusers were in constant Default, but which fact the Courts, when demanded, ignored. Such ignoring is denial of Constitutional Rights.

Rt.Rev.Dr.Edward Wayland demanded DEFAULT JUDGMENTS; and disclaimed jurisdiction/authority for violation Constitutional Rights. Thus, the alleged "findings" of the courts remain null and void as though they had never been made; and the true issues remain in limbo.

That, in failing to Answer the Complaints, Pleadings, etc., the Accusers, under court rules, have admitted all averments as TRUE....including the Declaration of Outlaw.

Following the lead of Ex parte Jackson (96 US 727, 24 LED 877) Justice Brandeis in Olmstead v U.S. 277 US 438, 48 S.Ct.564, 72 LED 944) stated bluntly (excerpt below):

When these unlawful acts were committed they were crimes only to the officers individually. The government was innocent, in legal contemplation; for no federal official is authorized to commit a crime on its behalf. When the government, having full knowledge, sought, through the department of Justice, to avail itself of the fruits of these acts in order to accomplish its own ends, it assumed moral responsibility for the officers' crimes...(A)nd if this court should permit the government, by means of its officers' crimes, to affect its purpose of punishing the defendants, there would seem to be present all the elements of ratification. If so, the government itself would become a lawbreaker.

.....

Decency, security, and liberty alike demand that government officials shall be subjected to the same rules of conduct that commands to the citizen...if it fails to observe the laws scrupulously...Crime is contagious. If the government becomes a lawbreaker, it breeds contempt for law...it invites anarchy....

Thus, under the provisions of Olmstead, there can be only one legitimate conclusion:

That the U.S.T.Ct., U.S.D.Ct., U.S.C.A.1., U.S.S.Ct.the  
Dept. Treasury, Sec.Treasury, Comm. Int. Rev. Dept. Justice....  
and all personell thereof...are in:

Perjury, subornation-of-Perjury, Accessory to Perjury  
Felony, Subornation-of-Felony, Accessory to Felony  
Treason, Subornation-of-Treason, Accessory to Treason  
thereby in Anarchy and Outlaw.

### VIII

Amendments 16 and 17 never came out of Congress properly;  
were never properly ratified by 3/4ths of the legal states; and  
were not properly signed into law. So that, under a defective  
Amend.17-Senate..since 1914..no personell could be appointed,  
certified to the Dept.Treasury branch of the U.S.government.

In addition, the Federal Reserve Act of 1913 never came out  
of Congress properly; and, where it seeks to change the Constitut-  
ional Monetary System by STATUTE, not only is it invalid under  
defective Amend.17-Senate, but it is unconstitutional on its  
face and in its application; for the Constitutional Monetary  
System can be changed only by AMENDMENT!

Thus, under defective Amend.17-Senate;

No U.S.Atty. can lawfully, legally, Constitutionally prosecute  
or defend in court. This the Dept.Justice has admitted/averred  
as TRUE; and so has the U.S.D.Ct.

Thus, the U.S.T.Ct. is illegal, unlawful, unConstitutional

Thus, the Internal Revenue Service is illegal, unlawful,  
unConstitutional; acts in Anarchy, and is Outlaw.

(Olmstead states bluntly that the litigant (IRS) with Unclean  
Hands has no standing in Court).

### IX

72-3269-M

After proving that Rt.Rev.Dr.Edward Wayland could win before  
a jury the justice he demanded, there is no doubt that the 'word'  
went out that Rt.Rev.Dr.Edward Wayland is never, never, never  
to be allowed before a jury again.

Not only did the Defendant (U.S.A.) admit to all the facts  
and the law of the case, but the admissions remain most damaging:

Amdnemt 16 is unconstitutional

Federal Reserve Note is NOT a DOLLAR

Inflation is a U.S.A. TAX

The U.S.A. has Failed-to-Protect as mandated by Amend.4

The Federal Reserve System is illegal, unlawful, unConstitutional  
etc.etc.etc.etc.

And, that where the U.S.Atty. was illegal, unlawful, unCon-  
stitutional...neither he, nor the judge had the constitutional  
right to Defend or in any way restrict the jury or Rt.Rev.Dr.  
Edward Wayland.

Thus, when the Jury found for Rt.Rev.Dr.Edward Wayland, under



the lawful, legal, Constitution, the Jury found the ENTIRE damages etc. claimed:

Which, from 1970-1982 by IRS mathematics, today stands at more than twelve million DOLLARS. The IRS was ordered to PAY.. with interest; The IRS attempted to discharge with federal reserve notes (without inflation) (F.R.N.s do not pay, they discharge)

Thus, the IRS, on this point (not counting others) is, of course, in debt to Rt.Rev.Dr.Edward Wayland.

And, that where the U.S.Courts illegally, unlawfully, unconstitutional dismissed and denied Redress of Grievance, by Olmstead, the U.S.A. accepted the claims and now owes to Rt.Rev.Dr.Edward Wayland...in excess of seven hundred million f.r.n.s.

X

# LIEN

Rt.Rev.Dr.Edward Wayland, in taped conference, charged (& subsequent follow-up) IRS with false, fraudulent claims; FRAUD; with lack of jurisdiction/authority.

The IRS admitted to FRAUD, to WANT of jurisdiction; that Inflation was Government Tax; that f.r.n. was not DOLLAR..and IRS had "jurisdiction" only of DOLLAR; that INCOME is Gain; Wages is not Gain is not INCOME; Wages is BARTER; sometimes equal, sometimes a LOSS; Amendment 16 is illegal, etc.; etc.etc.etc.

Until the charge of FRAUD is disproved; and not until jurisdiction and authority can be established can any branch of government proceed. The IRS never disproved FRAUD (Common Law; Burden-of-Proof in Public-Wrong); and NEVER proved jurisdiction/authority. Thus it acted in Felony, Treason, Anarchy, as Outlaw.

IRS was also charged with satanism, staffed with those who did the bidding of Satan...not of God.

And also admitted/averred as TRUE to theft of estimated 50,000.00f.r.n.s from post office box.

The IRS admitted/averred as TRUE that it:

- had no jurisdiction/authority to place LIEN upon CHURCH property
- That where CHURCH was held in trust by more than one person, by their own rules, they could not LIEN
- That CHURCH, etc. was held ALLodial FREEHOLD, which is government-proof, etc.
- That the alleged FEE was not paid in DOLLARS; and thus improperly filed
- That such LIEN violated DUE PROCESS OF LAW
- That IRS had NO valid claims; had no judicial, etc. orders that are lawful, legal, Constitutional; in fact could NOT produce any
- That the LIEN is harassment of Rt.Rev.Dr.Edward Wayland
- That, under Art.X,Const.Mass. for failure-to-protect, government had NO valid claims
- That filing the LIEN violated Amend.1 Freedom-of-Religion,etc.
- That the LIEN was total FRAUD; and all other claims are FRAUD (by IRS)
- That Nuremberg, Watergate, Olmstead, Branzberg v Hayes (Douglas) established Rt.Rev.Dr.Edward Wayland as Sovereign Citizen, Freeman, and not required to pay...or to file!
- That the IRS is of Satanic-origin, and demonic-dominated/ a totally EVIL "thing" attacking religions indiscriminately
- That the IRS had no jurisdiction/authority to act in any criminal capacity; and was thus Felony, Anarchy, Outlaw.

That the IRS had no lawful, legal, Constitutional Right to proceed in any capacity until the charge of FRAUD, and WANT of Jurisdiction/Authority was proven. Burden-of-Proof on IRS  
That the Common Law PUBLIC-WRONG bound IRS to U.S.Const., which they violated (Art.6:3)  
etc.etc.etc.etc.

XI

Rt.Rev.Dr.Edward Wayland steadfastly denied jurisdiction/authority; and demanded proof as required by 5 U.S.C. provisions that it must be answered promptly, completely, etc.; and charged Anarchy under defective Amend.16,17,F.R.A.1913; FRAUD; etc.

All of which the Dept. Treasury, Internal Revenue Service, Dept. Justice, etc. admitted/averred as TRUE. And also admitted/averred that NO other "laws", rules, regulations, etc. were valid or binding upon Rt.Rev.Dr.Edward Wayland.

Of course, where the U.S.A. is a Declared CHRISTIAN nation, the Common Law (Christian, not of former kings courts) is binding upon every branch of government, state and federal; for it is God's Law of Liberty and Justice; and is the Word of God. Those who violate it are to be treated (by the Word of Jesus Christ) as pagans and publicans; the eternally damned (Matt 18:15-17)

XII

Rt.Rev.Dr.Edward Wayland, having proven, cleansed, purged and exonerated himself from any and all crimes, both open and hidden, and of all suspicions of guilt by both denial and by proofs to the contrary, continues:

Father, in the Name of Jesus Christ, I ask forgiveness of all my sins.

I am charged with all manner of wrongs and unrighteousness and which I declare are totally false; But, if they are true, which I deny, then each and every wrong and unrighteousness is a Sin, for I am Commanded to obey proper authority. Yet, this "authority" is not proper--it is a collusion of those who do-the-bidding-Of-Satan. And here again, by the Word, I am forbidden to honor or to glorify Satan and those who do-his-bidding.

In the Name of Jesus Christ I ask forgiveness for any and all sins with which I am charged; and any and all unrighteousness (which I do not recognize).

It is Written: On the blood of Jesus Christ, who is my Lord and Saviour, my sins are washed away.

It is farther Written; that which is asked in the Name of Jesus Christ shall be done.

I believe it.

I know it.

I accept the forgiveness of all sin.

Thank you Father for Your Mercy, Your Grace, Your Righteousness, Your Salvation

Thank you Jesus Christ for making it possible on Your Blood

Thank you Holy Spirit for Guiding me in the Paths of Righteousness.

Amen. Amen. Hallelujah. Prais be to God. Amen and Amen.

And, it is further Written that no man, nor powers-and-principalties may challenge the Forgiveness of God; for that Forgiveness is Final, Complete, and without Reservation. The Forgiveness has washed away all iniquities, transgressions, unrighteousness as though they had never existed.

To challenge God is to commit the unforgivable abomination of which Lucifer was guilty: the Sin of Pride.

XIII

Rt.Rev.Dr.Edward Wayland herein declares that he does NOT know who his accusers are. Where he has never faced them, never been allowed to face them: in, or out of court, he herein cries:

WHO IS MY ACCUSER?

The Secretary of the Treasury?  
Bring him into court.

The Commissioner Internal Revenue?  
Bring him into court.

The United States of America?  
Bring in EVERY component of the U.S.A. into court.

Who?  
Bring whosoever is the accuser into court.

It is Written that in order to be Accuser, he must first betray. The only such that fits that definition is Judas Iscariot. Is Judas Iscariot a Warning to the Wicked?

XIV

WHEREFORE, Rt.Rev.Dr.Edward Wayland denies ALL charges, accusations made against him and claims them to be FRAUD; wanting in jurisdiction/authority; without lawful, legal, Constitutional foundation at law, any law; and which Sovereign Citizen, Freeman, unenfranchised, Rt.Rev.Dr.Edward Wayland, refuses to accept. For, in violating the Constitution, the U.S.A. has broken-Contract (U.S.Const.), broken Covenant; and broken-Faith with him.

That if any charges MIGHT have been valid; they have been unconditionally pardoned and forgiven by God; and claimed by Rt.Rev.Dr.Edward Wayland as Children-of-God.

For it is Written:

Whosoever steals from the Children-of-God steals from God.  
Whosoever steals from God is eternally damned.

That where the Commonwealth of Massachusetts is Common Law state, the Common Law signature of Minister, in the work of God, is valid and equal to, or greater than two or more witnesses; and needs no further corroboration.

Affirmed and subscribed under Pains and Penalties of Perjury according to the Common Law (Christian, not former kings courts) and purged of all accusations and charges this 14th day of February, 1962

*RT Rev Dr Edward Wayland* *pro se*  
*forma pauperis*  
Sovereign Citizen; Preamble.A.9,

RT. REV. EDWARD WAYLA  
P. O. BOX 1008  
LOWELL, MASS. 01853

CERTIFICATE OF SERVICE

This is to certify that service of the foregoing  
OATH OF PURGATION  
has been made this 14th day of February 1962 upon Defendants  
by depositing a copy thereof in the United States mail postage  
prepaid addressed to

William F Weld  
U.S. Atty office

McCormack P.O. 1008, Boston, Mass 02109  
And may God have mercy on the soul of whoever disputes it

*RT Rev Dr Edward Wayland* *pro se*  
*forma pauperis*  
Sovereign Citizen; Preamble.A.9,

RT. REV. EDWARD WAYLAND  
P. O. BOX 1008  
LOWELL, MASS. 01853



UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

II

Rt. Rev. Dr. Edward Wayland

against

Internal Revenue Service et al.

"  
"  
"  
"  
"

CIVIL No. 81-2155-G

47

ADMITTED, ADMITTED/AVERRED AS TRUE  
PRIMA FACIE EVIDENCE

PLAINTIFF'S OBJECTION TO "alleged"  
Memorandum of Law in Support of Defendants'  
Motion to Dismiss

Comes now the Plaintiff, Rt. Rev. Dr. Edward Wayland, and herein Objects to "alleged" Memorandum of Law in Support of Defendants' Motion to Dismiss on the grounds that (a) it is untimely (b) the U.S. Atty has admitted/averred as TRUE (Rule 3) to total lack of jurisdiction/authority to prosecute or defend (c) Discussion is False and Fraudulent; has been so charged by Plaintiff numerous times; and which has been admitted/averred as TRUE by Defendants (d) which has been admitted/averred to be Perjury, Felony, Treason, Anarchy and Outlaw.

So that Plaintiff herein moves the court to STRIKE the Memorandum; and find Default Judgment as Demanded (and as admitted/averred by Defendants).

Plaintiff, Rt. Rev. Dr. Edward Wayland, herein denies the Memorandum as being total FRAUD; and that the U.S. Attorney has NO Jurisdiction/authority in instant case. According to Common Law (Christian not former self-serving courts of king) Public=Wrong, whereing government, or a branch thereof, is one of the litigant, the action is CRIMINAL, though labelled "civil"; and all Procedural-Safeguards apply...one of them being: Burden-of-Proof is upon Government, not the victim of oppressive government practices.

1. The issues are quite simple:

(a) The Defendants have been charged with FRAUD, fraudulent documents, claims, etc.

(b) The Defendants have been charged with total WANT of jurisdiction/authority.

The Defendants, IRS, Dept. Justice, and all the clinging lackeys thereof had years (in some instances) to PROVE (under Title 5 U.S.C. must Answer, Prove, etc. Promptly-completely-without reservations etc.) Charge of Felony was brought...which the Dept. Justice refused to acton..thus cessing to be a lawful, Constitutional branch of government.

2. The claims of "Sovereign Immunity" by Defendants is totally false, and has been answered in prior pleadings; and the related charges are, of course, admitted/averred as TRUE.

However, the Preamble, Amendments 9, 10, and others listed in Complaint establish the Citizen as SOVEREIGN...and thus, by numerous U.S.S.Ct. citations (omitted here) is the ONLY one with SOVEREIGN

IMMUNITY (AmJur2d Constitutional Law, Courts, Jurisdiction, Jury, Taxpayer Actions); and it is violation of this SOVEREIGN IMMUNITY by Defendants who had no jurisdiction/authority, and who, by FRAUD persecuted, harassed...and continue to persecute and harass.. that brought about/ this COMPLAINT.

3. The court has only one option: ENFORCE THE CONSTITUTION...and not to attempt to interpret it;; nor to go by case-"law", nor quicksand statute that no Common Law Jury has determined; for determinations by the government-of the government-for the government on government issue established Tyranny, not Justice.

4. The false contentions of Defendants has been brought up on prior pleadings; and the Plaintiff's charges have been admitted/averred as TRUE, thus making a nullity of the contentions.

It is established that (a) The U.S.T.Ct. cannot be cited judiciously, (b) Decisions made without jury cannot be cited, (c) that since 1914, under defective Amend.17-Senate, only a common law jury decision possibly could be valid, (d) Article 6(3) mandates that ALL judges, courts, U.S.Attorneys, etc. MUST uphold the Constitution as the Supreme Law; and when there is a question between "statute" and Constitution....the Constitution is SUPREME.

5. Plaintiff denies that any "statutes" that limit, restrain, distrain, or in any way interfere with is Constitutional Rights is Constitutional on its face and in its application..

And DEMANDS Common Law Jury Trial per pais peers to determine.

6. Regardless of what the court may claim, Sovereign Citizen, Rt.Rev.Dr.Edward Wayland, has granted to the court jurisdiction ONLY TO REDRESS GRIEVANCE....AND NOT TO DISMISS. Such action is Felony, Treason, Anarchy, Outlaw (Olmstead; Branzberg v Hayes)

7. Entire Title 26 U.S.C. is illegal, unlawful, unConstitutional (having been "passed" by defective Amend.17-Senate since 1914), and that includes the Declaratory Judgment Act/Anti-Injunction Act.

Plaintiff has made multiple demands that Defendants, Dept. Justice, Dept. Treasury, etc. PROVE (Burden-of-Proof; gov't); and under 5 U.S.C. provisions: Defendants, etc. have admitted/averred as TRUE all Plaintiff's Charges, Complaints, Demands (see also F.R.C.P.Rules 8,7,12(b)(6)).

8. Defendants have established that they have FAILED-to-PROTECT; and thus admitted/averred that, under Art.X Comm.Mass., Plaintiff, Rt.Rev.Dr.Edward Wayland, can NOT be required to pay any obligations to the government.

9. Defendants have admitted to unpaid debts TO Plaintiff, Rt.Rev.Dr.Edward Wayland, refusal to pay (including outright theft); and thus, by the UNCLEAN HANDS Principle alone are not entitled to any relief they may request.

10. Having filed OATH OF PURGATION, Plaintiff, Rt.Rev.Dr.Edward Wayland, herein charges that Defendants, in denying RELIEF demanded, are Anti-Christ; and this Court being of a declared Christian Nation CAN NOT UPHOLD THE ANTI-CHRIST in any capacity. To do so is ESTABLISHMENT of Religion in violation of Amend. 1.

11. And, Plaintiff, Rt.Rev.Dr.Edward Wayland, herein affirms all his prior pleading, charges, demands (in instant case; and others) as Sovereign Citizen, Freeman, Unenfranchised, as one of the Children-of-God; and charges Violation of Free Exercise Clause

12. For the above reasons, and prior pleadings, this court does not have the jurisdiction/authority to dismiss; and must strike Defendants' alleged pleadings.

13. And, Plaintiff, Rt.Rev.Dr.Edward Wayland, herein charges ORDEAL upon all those who dispute.

*Rt Rev Dr Edward Wayland* <sup>plaintiff</sup>  
pro se  
forma pauperis  
Sovereign Citizen; Preamble.A.9,10

RT. REV. EDWARD WAYLAND  
P. O. BOX 1008  
LOWELL, MASS. 01853

CERTIFICATE OF SERVICE

This is to certify that service of the foregoing PLAINTIFF'S OBJECTION TO "alleged" Memorandum.... has been made this 22nd day of February, 1982 upon Defendants by service in hand in the U.S.D.Ct. upon whosoever "represents" Defendants.

*Rt Rev Dr Edward Wayland* <sup>plaintiff</sup>  
pro se  
forma pauperis  
Sovereign Citizen; Preamble.A.9,10

RT. REV. EDWARD WAYLAND  
P. O. BOX 1008  
LOWELL, MASS. 01853



February 20, 1982

Internal Revenue Center  
Andover, Mass

05501

Cert #6854622 ret.ret.

50

re: Fraudulent claims dated 2/22/82; received 2/20/82

1977...penalties, interest, etc.	\$5,153.75
1978 " " "	\$6,208.39
1979 " " "	\$7,141.97

*Sovereign Immunity  
pursuant To:-*

*Preamble; Amend 9, 10*

*Incl. 1/12-10, 13*

*AKW Dr EW*

DENIAL BY VICETE OF IRS HARASSMENT

and

DEMAND FOR PAYMENT OF ALL CLAIMS DUE HIM

I, Rt.Rev.Dr.Edward Wayland, herein deny any and all claims of the IRS, or any branch thereof, on grounds of FRAUD and total WANT of Jurisdiction or authority of the Internal Revenue Service, the Commissioner Internal Revenue, and Sec. Treasury and Department of Treasury.

All the above named, including the Department of Justice and the United States District Court...wherein litigation is STILL proceeding... navel ADMITTED and AVERRED as TRUE that, under illegal, unlawful, un-Constitutional Amendments 16, 17 and Federal Reserve Act of 1913, amended,...and the IRS rules and regulations, Common Law, Commercial and Administrative Law, secret "laws" treaties, etc. that the IRS has NO jurisdiction/authority of me and ALL CLAIMS ARE TOTAL FRAUD.

That, without jurisdiction or authority, actions by the IRS are PERJURY, FELONY, TREASON AND ANARCHY...which under Brandeis; Olmstead v U.S....as OUTLAW. This the IRS has admitted/averred as TRUE. Thus, not only is the IRS illegal, unlawful, unConstitutional...but is is true CRIMINAL by definition of all such law.

The numerous (above) persons & branches have been given ample time to PROVE (Burden-of-Proof upon government under Common Law Public-Wrong) under directive of Title 5 U.S.C. wherein they MUST ANSWER Completely, Promptly, etc...AND HAVE FAILED TO ESTABLISH JURISDICTION/AUTHORITY...OR THE VALIDITY OF ANY AND ALL CLAIMS!!!!

When charge of FRAUD...Lack of Jurisdiction/Authority is made... every branch of government involved MUST come to a screeching HALT. And it can not proceed any further until (Burden-of-Proof) the government can PROVE the claims are TRUE and CORRECT...and that the government has jurisdiction and authority.

This the IRS has FAILED TO PROVE.

Furthermore, has admitted...ON TAPE..that Rt.Rev.Dr.Edward Wayland is NOT REQUIRED to file, etc....that IRS has NO jurisdiction; that there is NO LAWFUL DOLLAR..that Wages is NOT Gain is NOT INCOME.

Rt.Rev.Dr.Edward Wayland herein DEMANDS PAYMENT of all claims made against the IRS; and which have been Admitted/Averred as TRUE:

72-3269-M wherein JURY found for Rt.Rev.Dr.Edward Wayland...which has NEVER BEEN PAID IN DOLLARS (though attempt was made to discharge with fraudulent federal reserve notes

(which by IRS mathematics is) \$12,775,044.59 (DOLLARS)

Return of moneys stolen from P.O.Box 1008 50,000.00 f.r.n.  
(Admitted and averred as TRUE)

Radiation Damage Manhattan Project \$10,000,000.00 (DOLLARS)

AND NOW: Harassment (criminal) without  
Jurisdiction/authority on False & Fraudulent claims  
\$100,000,000.00 (DOLLARS)

And where the IRS has been repeatedly rebuked and failed to repent: the full JUDAS ISCARIOT curse upon all who participate, both directly and indirectly; and for violation Amend. 1 Freedom of Religion RIGHTS.

*Jury Trial Demanded*

*Sovereign Citizen* Amend. A.9,10

*Rt. Rev. Dr. Edward Wayland*  
Rt. Rev. Dr. Edward Wayland



UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

15

Ht. Rev. Dr. Edward Wayland

51

against

CIVIL No. 81-2155-U

Internal Revenue Service et al

ADMITTED, ADMITTED/AVERRED AS TRUE

PRIMA FACIE EVIDENCE

SOVEREIGN CITIZEN DISCLAIMER & DECLARATION

Under the provisions preserved and retained in the Preamble, Amendments 9,10; Declaration of Independence; Common Law, God's Law of Liberty & Justice, Body of Liberties (1641; Comm. Mass. Magna Carta), as Freeman, unenfranchised, the Sovereign Citizen, Ht. Rev. Dr. Edward Wayland, herein declares his total SOVEREIGN IMMUNITY;

And disclaims jurisdiction/authority of all rules, regulations, commercial, administrative, etc. laws; case-"law"; hidden-or-secret laws, Treaties (since 1914) etc. etc.;

And disclaims the jurisdiction/authority of any and all judges, magistrates, justices, Anti-Christ, and all others in every branch of federal and state government that violate the Article 6(3) Mandate to uphold the Constitution of the U.S. as the SUPREME LAW; and all others who have, or intend to, deprive, deny, violate the mandated Constitutional Rights of Ht. Rev. Dr. Edward Wayland (see Art. 3,4,6, Amend. 1,4-10); and all other attempts both direct and indirect as attainder to limit the Sovereign Citizen Rights of his SOVEREIGN IMMUNITY.

And, in particular, Ht. Rev. Dr. Edward Wayland, disclaims the alleged "Amendment" 11, which, by fictional and unconstitutional government "immunities" (unconstitutional on its face and in its application) is the source of present-day corruption. And disclaims Amend. 16, 17 as being illegal, unlawful, unconstitutional for being improperly "issued" from Congress, improperly "ratified" by insufficient legal states, and improperly "signed" into law.

And, in addition, Ht. Rev. Dr. Edward Wayland, disclaims the Federal Reserve Act of 1913 (amended), which by STATUTE amends... repeat: AMENDS the Constitutional Monetary System.

That the United States of America, etc. is under CONTRACT to Ht. Rev. Dr. Edward Wayland (Preamble; Amend. 9,10) wherein the government is SERVANT, and Sovereign Citizen is Master, Third-Party Non-Signer. That the government has broken-Contract, Breached-Covenant, and Breached-Faith, established ATTAINDER in violation of Law, and has FAILED TO PROTECT, its only legitimate function.

That, under Oath of Purgation, Rt.Rev.Dr.Edward Wayland is forgiven by the Lord God of all charges against him, and which forgiveness by the Lord God cannot be challenged unscathed.

That by charge to ORDEAL, which the government has defaulted, it has been admitted/averred as TRUE to all the facts and law above.

And thus, Sovereign Citizen, Rt.Rev.Dr.Edward Wayland, herein, pursuant to and arising under Preamble, Amendments nine and ten of the United States Constitution, Declaration of Independence, etc. asserts and re-asserts in DECLARATION his complete, total SOVEREIGN IMMUNITY.

*RT. REV. EDWARD WAYLAND* *pro se*  
forma pauperis  
Sovereign Citizen; Preamble.A.9,10  
Sovereign Immunity; P " " "

RT. REV. EDWARD WAYLAND  
P. O. BOX 1008  
LOWELL, MASS, 01853

WRIT OF HABEAS CORPUS

IK  
53

WE, THE PEOPLE OF THE UNITED STATES OF AMERICA, Commonwealth of Massachusetts, County of Middlesex:

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

Hon. Rev. Dr. Edward Wayland

ADMITTED, ADMITTED/AVERRED AS TRUE

against

Internal Revenue Service et al

CIVIL No. 81-2155-C

TO: REGISTRY OF DEEDS, SALEM, MASS.

PRIMA FACIE EVIDENCE

You are COMMANDED TO RELEASE the body of the Lord God, Jesus Christ, the Holy Spirit and HIS Minister, one of the children-of-God: Hon. Rev. Dr. Edward Wayland; for the Church is the BODY of Jesus Christ and Jesus Christ is the Head of the BODY, who you are holding illegally, unlawfully, unconstitutionally in custody by means of a LIEN placed upon God's CHURCH at 27 Nichols St., Haverhill, Mass; for: seizing a CHURCH is in effect the seizure upon the Lord God, Jesus Christ, and the Holy Spirit, and the body of Hon. Rev. Dr. Edward Wayland wherein Property-Rights and Personal-Rights are identical and in violation of SOVEREIGN IMMUNITY (Preamble.A.9, 10) and Rights mandated by Art.3,4,6, Amend.1,4-10. For such seizure constitutes violations of Amendment 1 ESTABLISHMENT and FREE EXERCISE clauses.

No legislative, executive, nor judicial body can pass BILLS OF ATTAINDER (Art.1 sec.9,10 U.S.Const) which includes BILLS OF PAINS AND PENALTIES. The legislative body is the only one that can make laws; so, therefore you cannot hold in custody, restraint, jail, or prison by any means or by means of LIEN WITHOUT A TRIAL, A FAIR TRIAL, with all Mandated Constitutional Rights, which must be before a lawful, legal, Constitutional judge; and NO ONE, including Judge and Sheriff can deny any Christian, Natural, and Constitutional Rights not even persons who are Anti-Christ, Anti-American, and secret tyrant.

This WRIT OF HABEAS CORPUS cannot be SUSPENDED under any guise except as stated in Article 1 sec.9,10 of the United States Constitution. "The privilege of the Writ of Habeas Corpus shall not be suspended unless when in Cases of Rebellion or Invasion the Public Safety may require it" (see Art.11 Ordinance of 1787)

Therefore, any delay of any kind, except in cases of rebellion or invasion, is suspending the Writ of Habeas Corpus in violation of the United States Constitution, establishes a non-existent Sovereign Immunity, with CRIMINAL intent. "legislatures and all executives and Judicial, both of the United States and the several states, shall be bound by Oath or Affirmation to support this Constitution.." (Art.6:3). Violation is Felony, Treason (18 U.S.C.

241, 242, 2384; Reconstruction Era laws; and other legal, lawful Constitutional laws of the United States.

That by OATH OF PURGATION, Rt. Rev. Dr. Edward Wayland, had been absolved and forgiven by the Lord God of any and all wrongdoing, both real and imaginary, and charges against him; so that none can challenge the Lord God unscathed.

That charge to UNKAL has been defaulted, thereby admitting/averring as TRUE all charges are FRAUD, and that the basis of the LIEN is total FRAUD.

WHEREFORE: Christian, Sovereign Citizen SOVEREIGN IMMUNITY, Rt. Rev. Dr. Edward Wayland, prays and demands that the Body of the Lord God, Jesus Christ; the Holy Spirit and his own via LIENED CHURCH, 27 Nichols St., Haverhill, be released IMMEDIATELY, pursuant to this WRIT OF HABEAS CORPUS and NO Bills of Attainder, and Pains & Penalties under Art. 1 sec. 9, 10 of the United States Constitution, the Supreme Law of the Land, be filed.

*Rt. Rev. Dr. Edward Wayland*  
forma pauperis  
Sovereign Citizen; Preamble A. 9, 1  
Sovereign immunity; " " "

RT. REV. EDWARD WAYLAND  
P. O. BOX 1008  
LOWELL, MASS. 01853

Affirmed and Subscribed before me according to the Common Law (Christian, not former king's self-serving courts) under pains and penalties of perjury this 5th day of March 1982

*Mary J. Long*  
notary  
my commission expires  
Nov 26 1987

Ext #6854625



UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

1L

55

Rt.Rev.Dr.Edward Wayland

against

CIVIL No. 81-2155-G

Internal Revenue Service et al

ADMITTED, ADMITTED/AVERRED AS TRUE

PLAINTIFF DEMAND THAT U.S.ATTY. & PRIMA FACIE EVIDENCE  
DEPT. JUSTICE CEASE ACTION IN CASE

Comes now the Plaintiff, Rt.Rev.Dr.Edward Wayland, Sovereign Citizen Immunity, and herein demands that all U.S.attorneys, the Dept. Justice, etc. cease all actions; prosecution, persecution, defense in instant case on the following grounds:

1. All have admitted to being illegal, unlawful, unConstitutional./
2. U.S.Atty.Gen., Dept. Justice; Washington & Boston have refused to redress grievance of FELONY; and refused to present Complaint or Information to Jury...and thus have violated Article 6(3) oath/affirmation to uphold Constitution, etc.
3. U.S.Atty, Dept. Justice had filed false charge of "Contempt of Court"...which is CRIMINAL action...and other attempts at restraints, protective orders, etc. Thus denying Plaintiff's Right to Redress Grievance; and other Constitutional Violations..thus establishing that if above named had had any (questionable) jurisdiction/authority they lost it completely for violation of Constitutional Right. For, such loss applies to ALL branches of government.
4. Demand is made under Sovereign Citizen, Sovereign Immunity as per Preamble, Amends.9,10; Common Law, etc.

*Rt Rev Dr Edward Wayland* <sup>Plaintiff</sup>  
pro se  
forma pauperis  
Sovereign Citizen; Preamble.A.9, 10  
Sovereign Immunity; " " " "

RT. REV. EDWARD WAYLAND  
P. O. BOX 1008  
LOWELL, MASS. 01853

CERTIFICATE OF SERVICE

This is to certify that service of the foregoing  
PLAINTIFF DEMAND FOR ASSISTANCE OF COUNSEL  
PLAINTIFF DEMAND THAT U.S.Atty. DEPT.JUSTICE CEASE ACTION IN CASE  
has been made this 22nd day of March, 1982 upon Defendants by  
depositing a copy thereof in the United States mail postage prepaid  
addressed to William F Weld U.S.Atty office McCormack P.O.& Courthouse  
Boston, Mass 02109

*Rt Rev Dr Edward Wayland* <sup>Plaintiff</sup>  
pro se  
forma pauperis

RT. REV. EDWARD WAYLAND  
P. O. BOX 1008  
LOWELL, MASS. 01853

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

1M

56

EDWARD WAYLAND,  
Plaintiff

vs.

INTERNAL REVENUE SERVICE, et al,  
Defendants )

DOCKETED

CIVIL ACTION  
NO. 81-2155-G

J U D G M E N T

GARRITY, J.

In accordance with the Court's allowance, after hearing on March 29, 1982, of defendants' motion to dismiss, it is ORDERED:

that the complaint be, and it is hereby, dismissed on grounds 1, 4, 5, 6, 7 and 8 of said motion and for reasons dictated in memorandum of decision at conclusion of the hearing.

By the Court:

*Stephen A. Moynahan, Jr.*  
STEPHEN A. MOYNAHAN, JR.  
Deputy Clerk

Dated: March 30, 1982

IN THE UNITED STATES DISTRICT COURT FOR THE  
IN CLERK'S OFFICE

DISTRICT OF MASSACHUSETTS

Nov 5 8 32 AM '81

EDWARD WAYLAND, U.S. DISTRICT COURT  
DISTRICT OF MASS. )

Plaintiff **DOCKETED** )

v. )

INTERNAL REVENUE SERVICE,  
RICHARD GREENE,  
MS. CHICCARELLI, and  
ROSCOE L. EGGER, JR., )

Defendants )

CIVIL ACTION NO. 81-2155-G

DEFENDANTS' MOTION TO DISMISS

Pursuant to Rule 12 of the Federal Rules of Civil Procedure, the defendants, the Internal Revenue Service, Richard Greene, Ms. (Natalie) Chiccarelli, and Roscoe L. Egger, Jr., by and through their attorney, Edward F. Harrington, United States Attorney for the District of Massachusetts, hereby move this Court to dismiss this action with prejudice, for the following reasons:

1. The complaint fails to state a claim upon which relief can be granted as to the Internal Revenue Service because it is not a suable entity.
2. This Court lacks personal jurisdiction over the defendants, Ms. (Natalie) Chiccarelli and Roscoe L. Egger, Jr. (the Commissioner of Internal Revenue).
3. This Court lacks personal jurisdiction over the defendants, Ms. (Natalie) Chiccarelli and Roscoe L. Egger, Jr., because of the insufficiency of service of process.
4. This Court lacks jurisdiction over the subject matter of this action.
5. This action is barred by the doctrine of the sovereign immunity of the United States of America.
6. This action is barred by the Anti-Injunction Act (26 U.S. Code, Section 7421).
7. This action is barred by the Declaratory Judgment Act (28 U.S.C. Code, Section 2201).
8. The complaint fails to state a claim upon which relief can be granted.

**DOCKETED**

13/82 Notice of Hearing

Hear 2/8/82 at 3:00 p.m.

Garvey, J.

Red 1/13/82

UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

IN

St. Rev. Dr. Edward Wayland

against

Internal Revenue Service  
Richard Greene  
Mr. Chiccarelli  
Res. of L. Egger Jr

CIVIL No. 81-255-0

ADMITTED, ADMITTED/AVERRED AS TRUE

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PRIMA FACIE EVIDENCE

QUO WARRANTO

WRIT OF PROHIBITION

Comes now the Plaintiff, St. Rev. Dr. Edward Wayland, in (Writ of) QUO WARRANTO WRIT OF PROHIBITION to the Court and to the alleged defense for Defendants against usurpation of franchises, freedoms and rights without his permission/consent.

Preamble, Amendments 9, 10 maintain that citizen is Sovereign, in contrast with government via U.S. Constitution, and remains master; and which Preamble, Amendments 9, 10 establish Sovereign Immunities that cannot be amended nor revoked for said Sovereign Immunities are Inalienable Rights via Public Documents upheld by Article 6 U.S. Const.

QUO WARRANTO is the prerogative writ of the Sovereign to prohibit and to correct acts in violation of the Sovereign; which was formerly the King, and is now the Sovereign Citizen Sovereign Immunity, affirmed by the Preamble, Amend. 9, 10, etc.

The only legitimate function of government is to protect the Sovereign Citizen. (Amend. 9, etc.)

The only legitimate function of the Judiciary is to protect the Sovereign Citizen from oppressive government practices (res judicata: U.S.S.Ct.; prior ADMITTED, admitted/averred as TRUE pleadings).

This function both this court and the Dept. Justice (via U.S. Attorney) have refused to do; even to the extent of violating Article 6(3) mandate to uphold the Constitution of the United States as valid, binding law; which Jefferson said that it was necessary to "bind government with chains of the Constitution". He did NOT say with "legalisms", which even Jesus Christ damned with curse: "Woe unto you Pharisees..." "Woe unto you lawyers..."

For, "legalisms" are attempts to chip-away at Constitutional rights and to limit by enumeration the Unenumerated Rights of Amend. 9, Reserved Rights of Amend. 10, and Inalienable Rights briefly mentioned in the Declaration of Independence. The government is bound by the Constitution...not by "legalisms"; and must ENFORCE the Constitution...not "interpret" it.



That which is not listed below is not waived by omission; in fact, only that which is specifically waived can be so waived.

F.R.C.P. Rule 8 specifically mandates that all averments not answered COMPLETELY, or denied COMPLETELY are ADMITTED as TRUE. This applies to all pleadings, etc., and remains TRUE regardless of disposition of the case.

F.R.C.P. Rule 7 outlaws the demurrer.

F.R.C.P. Rule 12(b)(6) "fails to state a claim" is a demurrer; for, as the outlawed demurrer, it ADMITTS/AVERRS to all the facts as TRUE (including supporting law) and admits to the jurisdiction of the court...providing the court had jurisdiction; and that which is admitted/averred as TRUE remains TRUE regardless of disposition of the case.

Thus, instant QUO WARRANTO WRIT OF PROHIBITION is directed to numerous violations, prohibitions, usurpations, and unconstitutional tactics, behaviour, etc.

Under the Common Law, when government, or part thereof is litigant (in or out of court), it becomes PUBLIC-WRONG, which is CRIMINAL; at which point all Procedural Safeguards apply: Jury, Due Process, Burden-of-Proof on government, etc.etc.etc.

Plaintiff, Rt.Rev.Dr.Wayland, has denied jurisdiction/authority to W.Arthur Garrity jr to hear the case on the basis of prior violations of Constitution, animosity, hostility, etc.etc.

Plaintiff, Rt.Rev.Dr.Edward Wayland has denied jurisdiction/authority for Dept. Justice, or any U.S. Attorney to act in any legal capacity in instant case on grounds of being illegal, unlawful, unconstitutional.

Plaintiff, Rt.Rev.Dr.Edward Wayland has denied jurisdiction/authority of Internal Revenue Service et al to act in any capacity against the Plaintiff for violations of Constitutional Rights; and on the grounds of being illegal, unlawful, unconstitutional.

This the above have ADMITTED, admitted/averred as TRUE; and have failed to PROVE jurisdiction/authority. Thereby, actions without jurisdiction/authority are FELONY, TREASON, OUTLAW.

## II

W.Arthur Garrity jr

Under the Common Law (Christian, nor former king's self-serving courts, or "case-law" legislated by the Judiciary as "common law") no judge can determine of his own actions. In FOUR prior cases, Plaintiff has disclaimed jurisdiction/authority of W.Arthur Garrity jr for violation Constitutional Rights (AmJur2d Constitutional Law, Courts, Jurisdiction, Jury, Taxpayer Action), to the extent to bring suit against him; and it is established, beyond doubt Plaintiff, Rt.Rev.Dr.Edward Wayland, can not get a fair

jury trial under the Due Process Clause of the Fifth Amendment. For: W.Arthur Garrity jr has established a PROVEN record of pro-government, Anti-Wayland. Which, having been ADMITTED, admitted/averred as TRUE is prima facie evidence.

That where W.Arthur Garrity jr has ignored OATH OF PURGATION he has further established Anti-Church, Anti-Christian, Anti-Christ, and, or course, Anti-Wayland.

Plaintiff, Rt.Rev.Dr.Edward Wayland, has refused to grant W.Arthur Garrity jr. jurisdiction/authority. It is, of course, res judicata, that the source of all jurisdiction/authority is the SOVEREIGN. Plaintiff, Rt.Rev.Dr.Edward Wayland, by Preamble, Amends. 9,10,etc. is Sovereign. Government is the SERVANT. Nor can W. Arthur Garrity jur. prove jurisdiction/authority. In fact, the only jurisdiction granted by Plaintiff is to court (not W.Arthur Garrity jr) to REDRESS Grievance...and nothing else.

Any mistakes Plaintiff, Rt.Rev.Dr.Edward Wayland, may or may not have made are herein revoked and disclaimed so that no pseudo-jurisdiction/authority can be established by W.Arthur Garrity jr. nor by U.S.Attorney, nor by I.R.S.et al.

(see Brandeis in Olmstead v U.S. wherein criminal actions pertain to individual committing them; but when U.S. elects to defend...it then becomes criminal; and, Douglas in Branzberg v Hayes wherein the Bill of POWERS and Rights is the absolute guarantee to the Sovereign Citizen; and BINDS the government..not for gov't benefit).

72-3269-M, E.W. v U.S.A., Jury Trial

It was ADMITTED, admitted/averred;

Federal Reserve Act 1913 is unconstitutional (and later it was admitted/averred that F.R.A. unconstitutionally amends Constitutional Monetary System by STATUTE.

Federal Reserve Note is not lawful, legal money of any kind. Affidavit established E.W. had NOT received any lawful money since 3/18/68.

The U.S.A. has FAILED TO PROTECT E.W.

The U.S.A. has NO SOVERSION IMMUNITY regardless of its "claims".

Dept. Justice/U.S.Attorney

It was ADMITTED, admitted/averred as TRUE; and by Default, also. Illegal, unlawful, unconstitutional in THREE cases, now FOURTH in pleadings, in court, etc.

U.S.Atty. has no jurisdiction/authority to prosecute/defend in any capacity; nor to move to dismiss.

Dept.Justice/U.S.Atty has not been granted any jurisdiction/authority.

Dept. Justice/U.S.Atty. have repeatedly ignored demands to take action on several NOTICE OF FELONY; and thus further violated Article 6(3) U.S.Const.

Dept.Justice/U.S.Atty have no sovereign immunity..being SERVANT.

Internal Revenue Service

I.R.S., Dept. Treasury, etc. Admitted/averred, ADMITTED as TRUE;

P.R.A.1913 illegally amends Constitutional Monetary System by unlawful STATUTE.

That Plaintiff, Rt.Rev.Dr.Edward Wayland, has received no lawful money since 3/18/68 (pleadings, recorded,etc.) Income is GAIN; wages is not gain, not income.

Alleged "jurisdiction" gained during filing of 1040s,etc. has been and IS revoked permanently.

Alleged "jurisdiction" by hidden, secret laws; commercial, administrative, "treaties" has been and IS revoked permanently.

The I.R.S. totally has absolutely NO jurisdiction/authority. Lien filed against CHURCH is total FRAUD

All other I.R.S. claims, etc. are FRAUD and criminal harassment U.S.T.Ct., is illegal, unlawful, unConstitutional; and is a extension of I.R.S. in collusion/conspiracy.

I.R.S. is illegal, unlawful, unConstitutional

I.R.S. has no Sovereign Immunity...as SERVANT.

All above is ADMITTED, admitted/averred as TRUE; and also Defaulted (in some instances); and all are prima facie evidence that cannot now be ignored nor denied.

### III

Plaintiff, Rt.Rev.Dr.Edward Wayland, herein makes offer of Proof; even though, under Common Law Public-Wrong, Burden-of-Proof remains upon Government. And herein adds that he has much, much more that is not listed above, and is not waived by omission.

### IV

This QUO WARRANTO WRIT OF PROHIBITION is herein directed to W.Arthur Garrity Jr prohibiting him from acting on instant case; and replacement must abide by Article 6(3); and directed to U.S. Attys. prohibiting him/them from acting in instant case; and directed to I.R.S. et al and prohibiting them from acting in instant case individually, collectively, or under color-of-law, or to "make" any law to do so.

That this QUO WARRANTO WRIT OF PROHIBITION issuing from the Sovereign, cannot be attacked, amended, nor denied by SERVANTS.

For, such action is Breach-of-Contract between servant government and Sovereign Citizen, master, and Third-party non-signer; Breach-of-Covenant between government and God; and Breach-of-Faith between government, GOD, and Sovereign Citizen.

### V

In the early days when a man had a grievance he redressed it himself. During the formation of societies he gave up that right

on the theory that when he was grieved the entire society was grieved and the society redressed it for him. But when that society refuses to redress his grievance, it has given back to the man the right to redress it himself; and that society has then lost any claims upon him.

This Statement was made before Zobel, with U.S. Atty present, and in several pleadings. It is ADMITTED, admitted/averred as TRUE. And, on that basis alone, the multiple attacks upon the Plaintiff, Rt. Rev. Dr. Edward Wayland, by the I.R.S. are illegal, unlawful, unconstitutional/without jurisdiction/authority.

VI

And that where instant case is, in addition, confrontation between CHURCH::STATE, denial of redress demanded is violation of Amendment 1 ~~XXXXXX~~ ESTABLISHMENT and FREE EXERCISE clauses.

*Rt. Rev. Dr. Edward Wayland* pro se  
forma pauperis  
Sovereign Citizen; Preamble. A. 9, 10  
Sovereign Immunity; " " " "

Moses said to Pharaoh  
Let My People Go  
The rest is history

CERTIFICATE OF SERVICE

This is to certify that service of the foregoing  
QUO WARRANTO WRIT OF PROHIBITION has been made this 29th day  
of March, 1982 upon Defendants by delivering copy-in-hand in the  
U.S.D.Ct.1

*Rt. Rev. Dr. Edward Wayland* pro se  
forma pauperis  
Sovereign Citizen; Preamble. A. 9, 10  
Sovereign Immunity; " " " "

RT. REV. EDWARD WAYLAND  
P. O. BOX 1008  
LOWELL, MASS 01853



UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

1-0

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St. Rev. Dr. Edward Wayland

against

CIVIL No 82-2155-G

Internal Revenue Service et al

ADMITTED, ADMITTED/AVERRED AS TRUE

NOTICE OF APPEAL

PRIMA FACIE EVIDENCE

Plaintiff, St. Rev. Dr. Edward Wayland, Sovereign Citizen, Sovereign Immunity, herein files NOTICE OF APPEAL of instant case to U.S.C.A.1. in forma pauperis; on basis of Common Law Public-Wrong, wherein Plaintiff is truly the Defendant-victim of oppressive government practices on the following grounds:

1. W.Arthur Garrity Jr had no jurisdiction/authority to act in instant case; yet did so.
2. W.Arthur Garrity Jr violated multiple Constitutional Rights of Plaintiff, St. Rev. Dr. Edward Wayland, and thereby lost any pretense to jurisdiction/authority; and his orders, etc. are null and void.

Certify and forward instant case on basis of Common Law Public-Wrong (when gov't is a litigant, case is CRIMINAL) and in forma pauperis.

pro se  
Forma pauperis  
Sovereign Citizen; Preamble.A.9,10  
Sovereign Immunity; " " " "

RT. REV. EDWARD WAYLAND  
P. O. BOX 1008  
LOWELL, MASS. 01853

CERTIFICATE OF SERVICE

This is to certify that service of the foregoing NOTICE OF APPEAL has been made this 29 day of March, 1982 upon Defendants by depositing a copy thereof in the United States mail postage prepaid addressed to

William F. Held  
U.S. Atty office  
McCormack P.O. & Courthouse  
Boston, Mass. 02109

1  
pro se  
Forma pauperis  
Sovereign Citizen; Preamble.A.9,10  
Sovereign Immunity; " " " "

RT. REV. EDWARD WAYLAND  
P. O. BOX 1008  
LOWELL, MASS. 01853

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

IP

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at. Rev. Dr. Edward Wayland

against

CIVIL No. 81-2155-0

Internal Revenue Service  
Richard Greene,  
Ms Chiccarelli  
Roscoe L Egger Jr

ADMITTED, ADMITTED/AVERRED AS TRUE

PRIMA FACIE EVIDENCE

COMMON LAW AFFIDAVIT;  
DISCLAIMER OF JURISDICTION & AUTHORITY;

and

DECLARATION OF OUTLAW

Comes now the Plaintiff, Rt. Rev. Dr. Edward Wayland (Ph.D., Ms. D.D.), and herein deposes under Common Law (Christian as derived from the Old & New Testaments, and not the former king's courts) that in the instant case:

1. He was denied demanded Jury Trial and other guaranteed Constitutional Rights in U.S.D.Ct. (Mass) CIVIL No. ~~81-2155-0~~
2. He was denied demanded Jury Trial and other guaranteed Constitutional Rights in U.S.C.A.1. (Mass) CIVIL No. \_\_\_\_\_
3. He was denied demanded Jury Trial and other guaranteed Constitutional Rights in U.S.S.Ct. CIVIL No. \_\_\_\_\_
4. The Preamble of the U.S. Constitution establishes, beyond question the who, what, why of the new nation. The Sovereign Citizen (having fought a bloody Revolution) retained his dominant role as Master; and the Government was established as his Servant with limited, enumerated powers.  
And when that government exceeded or violated any of the enumerated powers it breached, rescinded the established provisions and the implied CONTRACT; and where the government was a newly established nation under BLESSING, thereby breaks HIS COVENANT.
5. That under the Common Law, and Amendment 1 Right to Petition for Redress of Grievances; Amendment 9 unenumerated Rights and 10 reserved Rights (and the inalienable Rights of the Declaration of Independence); Plaintiff was denied Due Process of Amend 4, 5; and Equal Protection, Privileges and Immunities of Art. 3, Amend 11  
That whenever the government decides what issues and what

1Q

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◎◎◎◎◎

CIVIL No. 81-2155-0

ADMITTED, ADMITTED/AVERRED AS TRUE

**PRIMA FACIE EVIDENCE**

SOVEREIGN CITIZEN SOVEREIGN IMMUNITY  
DECLARATION OF INDEPENDENCE

In 1765 and again in 1774 the Colonies sought Redress from the Crown, and reconciliation rather than rebellion. The Shipboard Covenant with God, 1636, and the Body-of-Liberties, 1641 had established the colonists in dignity as FREEMEN, and not as the people of a distant Crown. So, the shedding of blood was inevitable in confrontation with pig-headed autocracy, bureaucracy, and assorted tyrants.

And so the Declaration of Independence was unanimously adopted in Congress at Philadelphia, July 4, 1776:

When, in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitles them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

we hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the Pursuit of Happiness. That to secure these rights, governments are instituted among Men, deriving their just powers from the consent of the governed.

That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organising its powers in such form, as to them shall seem most likely to effect their Safety and Happiness.

Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and accordingly all experience hath shown, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed.

But when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security.

Such has been the patient sufferance of these Colonies; and such is now the necessity which constrains them to alter their former Systems of Government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute Tyranny over these States. To prove this, let Facts be submitted to a candid world.

The history of the present government is a history of repeated injuries and usurpations, an absolute declaration of war upon the subjects, the direct object being the establishment of an absolute Tyranny over these peoples.

He has refused his Assent to Laws, the most wholesome and necessary for the public good.

This is not the Government of the Founders. THEY have perverted the CONSTITUTION, mocked it, ridiculed it with inane and frivolous statutes, rules, regulations, and strangled away any semblance of wholesome and necessary public good.

Monstrous politicians, of whom THEY are composed, in collusions, conspiracies, and corruption, masquerade as judges, administrators, and other fancy titles of nobility, delude themselves with the fictions they are gods, and who respond to challenge as "error", while THEY, themselves are perjurers, felons and outlaws; toothily in contempt-of-court and Contempt-of-Constitution.

Jesus Christ, 2000 years ago, was exceedingly angered at these usurpers, thieves, robbers and godless tyrants.

He has forbidden his Governors to pass Laws of immediate and pressing importance, unless suspended in their operation till his Assent should be obtained; and when so suspended, he has utterly neglected to attend to them.

THEY have established Denial of Justice, Denial of Access to Justice, and THEIR courts sneer at the Constitution, refuse to abide by it, or uphold it as THEY are required and mandated to do. In so doing, THEY violate Constitutional and Common Law Rights, establishing Breach-of-Contract; Breach-of-Covenant, and Breach-of-Faith with the peoples, the Sovereign Citizen.

He has refused to pass other Laws for the accomodation of large districts of people, unless those people would relinquish the right of Representation in the Legislature, a right inestimable to them and formidable to tyrants only.

THEY have falsely claimed immunities that were never granted to them; and THEY state that THEY cannot be sued...but they can sue the Sovereign Citizen, for he is THEIR chicken to be plucked. Even though Article X. of the Constitution for the Commonwealth of Massachusetts states bluntly that when government FAILS TO PROTECT the Sovereign Citizen is NOT required to pay. Of course, this also means that THEY have just lost any claims to jurisdiction,



authority the trusting Sovereign Citizen had granted THEM.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public Records, for the sole purpose of fatiguing them into compliance with his measures.

THEY HAVE passed hidden, and secret laws, rules, regulations, regulations, unconstitutional rules wherein the facts can be admitted (F.R.C.P. rules 7,8,12(b)(6) yet be insufficient at "law" so that THEY can, in pseudo-righteousness, deny Constitutional and Common Law Rights, with impunity; and to fatigue the Sovereign Citizen into abject tyranny without resource or redress.

He has dissolved Representative Houses repeatedly, for opposing with manly firmness his invasion on the rights of the people.

THEY have filled the government offices with politicians, and made it impossible for an honest man to survive therein, for, by THEIR standards an honest man can not be trusted.

THEY have established a government that robs, and politicians disguised as judges to uphold that robbery. THEY have established an unending line of Liars, Thieves, Whores and Corruptors of the body politic and of the people.

Jesus Christ said He would return as it was "in the days of Noah". And THEY have prepared the way for Armageddon.

He has refused for a long time, after such dissolutions, to cause others to be elected; whereby the Legislative powers, incapable of Annihilation, have returned to the People at large for their exercise; the State remaining in the meantime exposed to all the dangers of invasion from without, and convulsions within.

THEY have established THEIR political machines to plunder the peoples. the governments THEY have established has departed from the Constitution; and in so doing has betrayed the people.

And, the Judas Iscariots in government have betrayed us into Armageddon.

He has endeavored to prevent the population of these States; for that purpose obstructing the Laws for Naturalization of Foreigners; refusing to pass others to encourage their migration hither, and raising the conditions of new Appropriations of Lands.

THEY have converted the Sovereign Citizen FREEMAN into a Foreigner in his own land, enslaved by foreign laws. Even though there is a solid Constitution left by the Founders, the government of rogues and tyrants has supplanted it; and filled the nation with not honest migrants but those who will do THEIR bidding; and has betrayed Property and Personal Rights.

He has obstructed the Administration of Justice, by refusing his Assent to laws for establishing Judiciary Powers.

THEY have filled the courts with politicians to whom the word "honest" is a dirty word. There are more traitors in Washing-

ten and in the Judiciary then there are communists in Moscow; and where THEIR product: Treason is presented in fancy ribbons-and-bows and served up to THEIR victims as the wisdom of Solomon.

Forgotten is Watergate establishing that the poia have no immunities; and Nuremberg that mandated no honorable Citizen is required to honor or glorify evil law and evil government.

Yet THEY have done more than betray the people. THEY have betrayed GOD. And where are the nations that have betrayed GOD and the people? Egypt? Babylon? Sodom? Gomorrah? Ninevah? Rome? Is it the turn of this nation?

Where is the Sovereign Citizen to go to redress his just demand for redress of his grievance against oppressive government practices?

He has made Judges dependent on his will alone, for the tenure of their offices, and the amount and payment of their salaries.

THEY have established a godless bureau without morals or mercy to harass and intimidate the peoples and the judiciary, who are politicians..not judges who establish that THEY are in competition with GOD; and attack mercilessly, in retaliation and retribution any and all that demand Justice upon GOD'S Law.

He has erected a multitude of New Offices, and sent hither swarms of Officers to harass our people, and eat out their substance.

THEY betray THEIR people with porcupine welfare-dole, while the Welfare to business is unlimited. THEY lavish Welfare upon the undeserving; upon the enemy nations who gorge upon the largesse. To become an enemy nation is to be promptly admitted to honor and glory and the treasury of the peoples; while those who are FRIENDS are betrayed and swiftly destroyed.

He has kept among us, in times of peace, Standing Armies without the Consent of our Legislature.

THEY have kept a huge standing army alert and ready to stifle protests against their plunders; and have continually fanned the flames of aggression in order to fracture and disunite the peoples. And which standing armies, some called marshalls, IRS, agents, and a host of other names..are all on the ready to Defend THEM against those who protest the robberies done in the name of Statutes passed to amend and to pervert the Constitutional Monetary System.

He has affected to render the Military independence of and superior to the Civil power.

THEY have conspired, and by THEIR conspiracies have shown as example the profitability of Criminality; and then roused the fearful people by division and dissention to accept the seizure of their only means of defense against government- and government-sponsored crimes...their weapons; and thus breed into the FREEMAN the illegal, unlawful, unConstitutional: FEAR.

THEY have created the situations and problems that, THEY claim, only THEY can solve. THEY are THE problem. For, THEY say. "Give up your freedom, you foolish people. See. Freedom is Slavery; and only Slavery is Freedom."

He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving his Assent to their Acts of pretended Legislation:

Amendment 16 (income tax) and Amendment 17 (change election of Senators) never properly issued from Congress; were never properly ratified by the legal state; were never properly signed into Law. Thus, numerous bureaus and their "laws", numerous officials and the judges have never been confirmed by illegal Senate.

And, by illegal "treaties" has submitted the peoples to the rule of foreign nations via the United Nations...which, under Amend.17-Senate is not lawful, legal, nor Constitutional.

For quartering large bodies of armed troops among us:

THEY have armed the police forces, the various clandestine forces, the I.M.S. against the Sovereign Citizen; and, at the same time, are bent on disarming him. So that he will be at the mercy of THOSE who have no mercy.

For protecting them, by a mock Trial, from punishment for any Murders which they should commit on the Inhabitants of these States:

THEY have established such total immunity of the I.M.S., that its execution squads execute without accountability. THEY have created mass Murder with their Abortion "laws". THEY have furnished politicians in the guise of judges who protect THEIR own.

For cutting off our Trade with all parts of the world:

THEY have established such a stranglehold of rules, regulations, and Holy Opinions that the government...not businessmen...is truly running the establishments, and the Sovereign Citizen therein. Thus, THEY have entered into the field of business, farming, banking, shipping in order to establish bondage of the Sovereign Citizen Sovereign Immunity FREEMAN.

For imposing Taxes on us without our Consent:

THEY HAVE established an unending system of "to the victor belong the spoils" and pork-barrels on the basis that THEY are the system and THEY are entitled. THEIR plunder and looting is unsurpassed in all of history COMBINED. And this THEY accomplished by their Machine, without regard of the Sovereign Citizen, even to the extent of doctoring the records whenever necessary. (This the writer knows to be TRUE, having been active in the system of tyranny which more correctly is called "politics").

For depriving us in many cases of the benefits of Trial by jury:

Under the Common Law, Public-wrong (whenever government is one of the litigants) actions, suits, etc. are CRIMINAL, at which

time all Procedural Safeguards Apply. However, the pols have no desire to establish justice by fair trial in the courts. THEY circumvent by limiting and controlling exactly what "EVIDENCE" will be allowed in. THEY hamper and restrict the Jury so that it has ceased to be one, and has become a rubber-stamp for THEM and THEIR goals.

For transporting us beyond seas to be tried for pretended offenses:

THEY have established the same by exiling millions in illegal, unlawful, unConstitutional declared and undeclared wars and Police Actions:

For abolishing the free System of English Laws in a neighboring Province, establishing therein an Arbitrary government, and enlarging its Boundaries so as to render it at once an example and fit instrument for introducing the same absolute rule into these Colonies:

THEY have forced the United Nations upon the protesting Sovereign Citizen, and all the foreign laws therein. And, THEY have done this under the guise of an Amend.17-Senate that was defective, illegal, unlawful, unConstitutional and leads to nowhere but to the Valley of Megiddo; Armageddon.

Thus, the membership in the U.N. is in violation of the Constitution of the United States; that membership is by AMENDMENT, and not by pseudo-"treaty".

For taking away our Charters, abolishing our most valuable Laws, and altering fundamentally the Forms of our Government;

THEY have mocked, ridiculed, and negated the Constitution of the United States; and instituted a government of hidden-empires.

For suspending our own Legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

THEY instuted the Internal Revenue Service, with unlimited immunity, and bound by no laws...not even their own.

He has abdicated Government here, by declaring us out of his Protection and waging War against us.

THEY have instituted a system whereby anyone seeking Justice or Redress is quickly and sadly disillusioned; and those who insist upon their Constitutional Rights are rapidly given short-shrift; and has declared overt and covert war against the Sovereign Citizen FREEMAN whether or not he insists upon Constitutional Rights.

He has plundered our seas, ravaged our Coasts, burnt our towns, and destroyed the lives of our people.

THEY have unleashed monsters far in excess of the Crown, and which plunders, horrors, and atrocities far exceed anything the world has ever seen; equal on a par with those which happened when the communists set up their snake-pit tentacles.

He is at this time transporting large Armies of foreign Mercenaries to complete the works of death, desolation and tyranny,



already begun with circumstances of Cruelty and perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the Head of a civilized nation.

THEY have far surpassed the evils and corruption of George III, and have converted a civilized nation of Sovereign Citizen FREEMEN into a gelatinized mass of fear, neuroses, and outright savagery.

He has constrained our fellow-Citizens taken captive on the high Seas to bear Arms against their Country, to become the executioners of their friends and Brethren, or to fall themselves by their Hands.

THEY have converted a FREE nation into whimpering mass hysteria of stooges and spies upon their fellowman; subverted the decencies and morality of their GOD; and inculcated FEAR as the national pastime. And the fruits-of-Fear are always sadism, horrors and abominations.

He has excited domestic insurrections amongst us, and has endeavored to bring on the inhabitants of our frontiers, the merciless Indian Savages, whose known rule of warfare, is an undistinguished destruction of all ages, sexes and conditions.

THEY have foisted groups and anti-groups, causes and anti-causes upon the people to divide them into bickering over nonsense so that none should protest the yoke being fitted to their neck. And the ruthless, merciless methods by which it has been done is worse warfare than any seen on this continent or this nation..ever! The destruction of men, women, children is an utter horror. And, where it is the Children-of-God that are under attack, the attack is made directly upon GOD.

In every stage of these Oppressions We have Petitioned for Redress in the most humble terms: Our repeated Petitions have been answered only by repeated injury. A Prince, whose character is thus marked by every act which may define a Tyrant, is unfit to be the ruler of a free people.

The Sovereign Citizen has repeatedly Petitioned for Redress of his grievances against oppressive government practices. Not only have such petitions and redress been denied, but the Sovereign Citizen has become the target of the vitriolic venom of the tyrants to his further injuries. THEY have established a tyranny that is not found anywhere in the Constitution; in fact have established Contempt-of-the-Constitution. Thus THEY are Tyrant, and unfit to be the ruler of a free people.

God is not a respecter of persons. Yet these same Rogues and Tyrants demand divine fealty that is glory and honor due only to GOD. And those, with unbending knee, who follow the directive of GOD, and who do not fawn upon their Oppressors reap THEIR wrath quickly, suddenly and without mercy.

And THEY expect GOD to be merciful upon THEM?

As Jesus Christ stated so clearly; as ye sow so shall ye reap ...tenfold....a hundredfold.

This Nation was under Covenant with God. This government is not. And has ceased to be a Christian government by entertaining those who do the bidding of satan, rather than exemplify those of the Christian.

Nor have we been wanting in attention to our British brethren. We have warned them from time to time of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred to disavow these usurpations, which would inevitably interrupt our connections and correspondence. They, too, have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity, which denounces our separation, and hold them, as we hold the rest of mankind; enemies in war, in peace Friends.

THEY have denied the repeated cries and petitions for Redress, Justice, and the Rights guaranteed and mandated by the Constitution. They have mocked and ridiculed, and charged the VICTIM for THEIR crimes; and belaboured the VICTIM unmercifully with malice and with intent to deny and to deprive of Justice, Rights, Property, and to establish, and to re-establish, the system of Feodage.

WE THEREFORE, the Representatives of the United States of America, in General Congress, Assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the Name, and by authority of the good People of these Colonies, solemnly publish and declare, That these United Colonies, are and of Right ought to be free and independent States; that they are absolved from all Allegiance to the British Crown, and that all political connection between them and the State of Great Britain is and ought to be totally dissolved; and that as Free and Independent States, they have full Power to levy War, conclude Peace, contract Alliance, establish Commerce, and to do all other Acts and Things which Independent States may of right do. And for the support of this Declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our Lives, our Fortunes, and our Sacred Honor.

Signed: John Hancock & 54 other Patriots.

And that as a result, they developed a CONSTITUTION. The CONSTITUTION remains; but the government that exists today is ANTI-CONSTITUTION, and is therefore and thereby: illegal, unlawful, unconstitutional, and totally without jurisdiction or authority; a FRAUD and total usurper far exceeding the evils perpetrated by the CROWN.

-9-  
DECLARATION OF INDEPENDENCE

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That this government has established it is NOT the CONSTITUTION.  
That it is an evil government, doing the bidding of satan and all  
his powers and principalities.

Thus, no Christian (even without the Nuremberg mandate) is  
required to obey evil laws and evil government...the CONSTITUTION  
remains separated from such government... For GOD has given us  
His Law that none of His Children are to honor or glorify satan  
in any way.

pro se  
forma pauperis  
Sovereign Citizen; Preamble. A. 9, 10  
Sovereign Immunity; " " " "

RT. REV. EDWARD WAYLAND  
P. O. BOX 1008  
LOWELL, MASS. 01853

CERTIFICATE OF SERVICE

This is to certify that service of the foregoing  
SOVEREIGN CITIZEN SOVEREIGN IMMUNITY DECLARATION OF INDEPENDENCE  
has been made this 30th day of March, 1962 upon Defendants by  
depositing a copy thereof in the United States mail postage prepaid  
addressed to William F Weld  
U.S. Atty office  
McCormack P.O. & Courthouse  
Boston, Mass. 02109

pro se  
forma pauperis  
Sovereign Citizen; Preamble. A. 9, 10  
Sovereign Immunity; " " " "

RT. REV. EDWARD WAYLAND  
P. O. BOX 1008  
LOWELL, MASS. 01853

UNITED STATES COURT OF APPEALS  
FOR THE FIRST CIRCUIT

2A

73

No. 82-1306

Rt. Rev. Dr. Edward Wayland

Appellant/Plaintiff

against

Internal Revenue Service  
Richard Greene  
Ms. Chiccarelli

Appellee/Defendants

ON APPEAL FROM THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

APPELLANT COMMON LAW BRIEF  
& CHRISTIAN MANIFESTO

U.S.D.Ct. No. 81-2155-G

Rt. Rev. Dr. Edward Wayland  
P.O. Box 1008  
Lowell, Mass. 01853

William F. Weld  
U.S. Atty. office  
McCormack P.O. & Chase  
Boston, Mass. 02109



UNITED STATES COURT OF APPEALS  
FOR THE FIRST CIRCUIT

2B

Rt.Rev.Dr.Edward Wayland

against

No. 82-1306

Internal Revenue Service et al

ADMITTED, ADMITTED/AVERRED AS TRUE

APPELLANTS DEMAND TO STRIKE PRIMA FACIE EVIDENCE

Comes now the Sovereign Citizen Sovereign Immunity Appellant, Rt.Rev.Dr.Edward Wayland, as Minister: thereby in Affidavit and Theological Judgment (Preamble, Amend.9,10, Dec.Independence, Body of Liberties 1641 the Mass. Magna Carta) and herein demands that the alleged "Appellees' Motion for Summary Affirmance" and "Memorandum..." be struck on the following grounds:

1. Unresponsive. Avoids the issues presented and thus constitutes Perjury and Fraud.
  2. Answer was demanded by Sovereign Citizen Sovereign Immunity as Master in Contract (U.S.Constitution) with servant government; and NONE has ever been made.
  3. Demand for Default Judgment is still outstanding on the grounds that the lower court violated Constitutional Rights of Appellant and lost jurisdiction/authority..thus leaving ENTIRE case intact.
  4. Appellees have Admitted; Admitted/Averred as TRUE entire Complaint & the grievances listed therein, including the multiple charges of Contempt-of-Constitution, Felony, FRAUD, etc.etc. and thus enter court with Unclean Hands, in Bad Faith; and are not entitled to any relief whatsoever.
  5. Appellees have failed to COMPLETELY Answer or DENY as required by F.R.C.P. Rule 8, 12(b)(6), Common Law, etc. and are in default from the lower court; and can not now answer or deny what they have Admitted; Admitted/Averred as TRUE.
  6. Under defective Amend.17-Senate, all Appellees, Dept. Justice, and the lower court have admitted to being illegal, unlawful, un-Constitutional and without jurisdiction/authority. This is Admitted and admitted/averred as TRUE both separately and combined.
  7. JURY TRIAL HAS BEEN, AND IS REPEATEDLY DEMANDED. Violation of Right to Jury Trial (especially in Common Law Public-Wrong) and multiple other Constitutional Rights is government-crime (as the government has elected to defend criminal actions: Brandeis in Olmstead v U.S.).
  8. In moving for Summary Affirmation, Appellees are violating the Appellant's Constitutional Rights; and having lost jurisdiction/authority in the lower courts have no legal standing to so move. Such action is Subornation of Perjury, Subornation of Felony, Subornation of Treason, Subornation of Anarchy, and Outlaw.
- For: Appellant, Sovereign Citizen Sovereign Immunity Rt.Rev.Dr. Edward Wayland cannot be forced to surrender any Constitutional

Right at any time. That where the only legitimate function of the Judiciary is to protect the Sovereign Citizen from oppressive government practices: not only does the government lose jurisdiction/ authority of "consent of governed", but has given back to the Sovereign Citizen the Right to Redress his grievance. (Nuremberg, Olmstead, Scripture, Common Law, U.S. Constitution).

9. Rule 12 that Appellees refer to is, of course, unconstitutional on its face and in its application as it violates the Guarantees and mandate of Amendment 1 Right to Petition, etc. (Amend. 9, 10, etc.)

And, this DEMAND, being signed by MINISTER is AFFIDAVIT and THEOLOGICAL JUDGMENT (see Body of Liberties) which cannot be Answered, Denied, nor defeated; thus has more weight and merit. To challenge or judge it is to mock my Father the Lord GOD. And those who mock are held accountable. and without admitting the

*By R. Dr. Edward Wayland* Pro Se  
for a pauperis  
Sovereign Citizen; Preamble. 9, 10  
Sovereign Immunity; " " " "  
Affidavit//Theological Judgment

RT. REV. EDWARD WAYLAND  
P. O. BOX 1008  
LOWELL, MASS. 01853

UNITED STATES COURT OF APPEALS  
FOR THE FIRST CIRCUIT

2C

Rt.Rev.Dr.Edward Wayland

against

No. 82-1306

Internal Revenue Service et al

ADMITTED, ADMITTED/AVERRED AS TRUE

PRIMA FACIE EVIDENCE

SOVEREIGN CITIZEN SOVEREIGN IMMUNITY

APPELLANT'S DENIAL "Memorandum.."IS VALID

STATEMENT

The first sentence of alleged "statement" begins with a LIE. In omitting that the "\$15,536.34 deficiency" is admitted by IRS to be FRAUD, False Document, and made without jurisdiction/authority (thus Felony, Anarchy, Treason, etc.). The IRS has Admitted, Admitted/Averred as TRUE that it is illegal, unlawful, unconstitutional (in court, on tape, etc.) and that under Federal Reserve Act of 1913..amends the Constitutional Monetary System BY STATUTE... which cannot be legally done...there are NO DOLLARS...and, if the IRS was valid, would have jurisdiction only of DOLLAR, not of f.r.n.s which are "Obligations of the U.S.". This has been admitted, admitted/averred as TRUE in the courts, including U.S.S.Ct.

Damages were demanded for false and fraudulent charges made by illegal IRS,et al, violations of Constitutional Rights, etc.etc. and demand was made to negate such false and fraudulent charges which are admitted, admitted/averred as TRUE.

Being MINISTER, Appellant, Rt.Rev.Dr.Edward Wayland, is forbidden to call f.r.n.s DOLLAR when they are NOT; and therefore demand for damages was made under the Constitutional Monetary System.

Appellant, Rt.Rev.Dr.Edward Wayland denies the interpretation of the balance of the "statement" by the illegal, unlawful, unconstitutional Dept. Justice.

Under defective Amend.17-Senate, no law can issue from Congress Constitutionally..and that includes ALL the 26 U.S.C., the alleged IRS Code. Thus, all 26 U.S.C. is unconstitutional on its face and in its application...and which neither the Appellees, nor the Courts can prove Constitutionality (Burden-of-Proof on gov't).

The U.S.D.Ct.,in the shape of W.Arthur Garrity jr. illegally, unlawfully, unconstitutional and without jurisdiction/authority to do so, dismissed the Complaint on an assortment of bizarre and exotic rulings. It must be understood that W.Arthur Garrity jr had refused to get off the case; and had blandly stated in court that he WOULD NOT ABIDE BY THE CONSTITUTION OF THE U.S....that he would proceed on quicksand-legalism-"statutes"..which were charged to be unconstitutional on their face and in their application as

illegal, unlawful, unConstitutional. No attempt was made to PROVE Constitutionality. And, W.Arthur Garrity jr was challenged on grounds of Constitutionality, legality, etc. while he was making his "pronouncement".

However, in violating Constitutional Rights of Appellant, said W.Arthur Garrity jr. lost any alleged jurisdiction/authority, and thus, his "pronouncements" are null and void.

However, W.Arthur Garrity jr., in Rule 12(b)(6) admitted to all the facts and law of the complaint and pleadings which included charges of FRAUD, Felony, Treason, Anarchy, Collusion/Conspiracy, Contempt-of-the-Constitution, Contempt of Court, etc. etc. too numerous to mention.

#### ARGUMENT

Again the Dept. Justice begins with a LIE. The U.S.D.Ct. had no jurisdiction/authority to dismiss and establish violation of Sovereign Citizen Constitutional Rights...including DENIAL OF JURY TRIAL, etc. etc. etc.

As stated above, where, under defective Amend.17-Senate, the IRS is illegal, unlawful, unConstitutional and without jurisdiction/authority the entire IRS Code, including assessments, collections, etc. is FELONY. Thus, the Anti-Injunction Act, the Declaratory Judgment Act..not only violate Constitutional Rights (Amend.1, etc.) but, having been issued from defective Amend.17-Senate are equally illegal, unlawful, unConstitutional.

Citations listed by Appellees are null and void on the grounds that where no Common Law Jury Trial per pais peers was held, cannot be judicially cited; Nor can the Courts cite the laws as binding upon non-litigants of that particular case as such binding is "making-law" by the Judiciary in violation of the Constitution that bluntly states that only the Legislature (if legal) can MAKE LAW.

The claim to "sovereign immunity" of the IRS is false and fraudulent: Perjury, and a complete LIE. The Constitution of the U.S. is CONTRACT between government as servant and Citizen as Master. Preamble, Amend.9,10.unalienable rights of Declaration of Independence bluntly state that the servant can NOT exceed his Master. Thus, if the IRS cannot be sued...then the Sovereign Citizen can be sued even LESS: as he has MORE Sovereign Immunity!

The Appellee mocking the seven questions raised by Appellant to establish unConstitutional actions by lower...and all..courts admits, Admits/Averss as TRUE all the charges therein and establish and PROVE the lower court had NO Jurisdiction/Authority to Dismiss. Res Judicata.

The reference to "...Christian Manifesto" is assumed to be in a derogatory manner. However, the correct interpretation of the word "Manifesto" is "TRUE FACTS AND STATEMENT", so Christian Manifesto correctly stated is: CHRISTIAN TRUE FACTS AND STATEMENT; thus being, in itself, Affidavit and Theological Judgment.



It is quite surprising how STUPID those who do not want to understand can be. Whether it is an act, or whether it is for real Appellant does not know, but herein points out the incredible.. and deliberate..stupidity of the claims that Denial of Constitutional Rights are "no substantial issue". This is Breach of Contract Breach of Covenant, Breach of Faith of the most severe and distressing of violations; and is an actual Declaration-of-War upon the Sovereign Citizen.

Special NOTE to the Court: Appellees have carefully avoided the issue presented numerous times that the jury, 72-3269-M, found for Rt.Rev.Dr.Edward Wayland, and to date the IRS OWES...repeat..OWES to Appellant more than twelve million DOLLARS that it refuses to pay. For, the U.S.A. was ordered to PAY...not "discharge".

Thus, not only are Appellees CRIMINALS, without Rights at law, but they are also DEADBEATS.

WHEREFORE:

This court cannot lawfully, legally, Constitutionally affirm the District Court Denial of Justice and Access-to-Justice; for, in so doing is judging the MINISTRY of Rt.Rev.Dr.Edward Wayland, and by that Ministry is thereby judged.

Nor can this court grant request for extension of time to Appellees, for, under Common Law Public-Wrong, this is CRIMINAL action (regardless of label); and this is Double Jeopardy.

This nation is now on the edge of Armageddon.

How will you explain to GOD?

*Rt Rev Dr Edward Wayland*  
Sovereign Citizen; Preamble.A.9,10  
Sovereign Immunity; " " " "  
Affidavit//Theological Judgment

RT. REV EDWARD WAYLAND  
P.O. BOX 1008  
LOWELL, MASS. 01853

CERTIFICATE OF SERVICE

This is to certify that service of the foregoing APPELLANT'S DEMAND TO STRIKE SOVEREIGN CITIZEN SOVEREIGN IMMUNITY APPELLANT'S ANSWER TO..... SOVEREIGN CITIZEN SOVEREIGN IMMUNITY APPELLANT'S DENIAL.... THEOLOGICAL JUDGMENT (&exhib.) has been made this 26th day of May, 1982 upon Appellees by depositing a copy thereof in the United States mail postage prepaid addressed to William F Weld U.S.Atty.office McCormack P.O.&Cthse Boston Mass 02109

*Rt Rev Dr Edward Wayland*  
RT. REV. EDWARD WAYLAND  
P.O. BOX 1008  
LOWELL, MASS. 01853

UNITED STATES COURT OF APPEALS  
FOR THE FIRST CIRCUIT

2D

Re. Rev. Dr. Edward Wayland

against

Internal Revenue Service et al

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No. 82-1306

79

ADMITTED, ADMITTED/AVERRED AS TRUE

PRIMA FACIE EVIDENCE

THEOLOGICAL JUDGMENT

Before approaching THEOLOGICAL Judgment, it is necessary to preview the background.

The rogues and scoundrels have quietly burried the Preamble and Amendments 9,10 of the U.S. Constitution. For therein the Citizen retains his Sovereignty. And, as Sovereign Citizen, and as Master in CONTRACT with the government, it is the Sovereign Citizen who maintains total SOVEREIGN IMMUNITY. For, even Scripture maintains that the SERVANT can NOT exceed the Master. So, when the SERVANT claims fictitious SOVEREIGN IMMUNITY, then, the MASTER, in exceeding the SERVANT, is, of course, more SOVEREIGN IMMUNITY.

Burried in multiple U.S.S.Ct., etc. rulings, you will find that the Sovereign Citizen, Sovereign Immunity: CAN NOT BE SUED WITHOUT HIS CONSENT. So, the rogues and scoundrels by deception, implication, assumption, and outright illegal usurpation delude the man who does not know....that he is subservient, and that his "citizenship" is a privilege granted by the government.

This is not Anarchy. This is a fact established by the Preamble, Amendments 9,10; the Common Law (Christian); God's Law of Liberty & Justice; and the Body of Liberties: 1641.

However, when government violates the Contract: U.S. Constitution (wherein Sovereign Citizen is Third-Party Non-Signer), that government, or branch thereof is in Anarchy.

And that is just what government has done.

Amendment 16 was "passed" through an illegal Congress, by means of an illegal president who came from the territory of Ohio; ratified by several illegal states and signed into law by a "Secretary" appointed by that illegal president.

However, even worse is that Amendment 17 (which changes the election of Senators) never came out of Congress with the Constitutional 2/3 vote, was never ratified by 3/4 of the LEGAL states, and, of course, could not be signed into law. Thus, since 1914 the Senate has become illegal, unlawful, unconstitutional.

The rogues and scoundrels know this.

But they don't want it to become general knowledge; and thus ridicule the knowledge, charge it as frivolous, and by conspiracy/collusion keep it from the people, the Sovereign Citizen Sovereign Immunity.

This is an abomination to the Lord God who outlined what the duties of government are; and that those in government are ministers for God's Law of Liberty and Justice...not politicians. Those who insist..and REMAIN politicians are the betrayers, the Judas Iscariots; and, are, of course, self-condemned.

It is Written that all who accept the Lord Jesus Christ become Minister. However, all who claim to be Christians are not. This Jesus warned repeatedly.

As a Christian it is the Duty to Warn the Wicked they are in Danger of the Judgment. No Christian can shirk that duty.

Of course, many will say that the Christian cannot judge for then he, himself, is in danger of judgment. True. Yet, it is also written that Jesus gave his Commission (Acts) to the Apostles.. and all who came thereafter, for each Christian becomes a MINISTER for GOD, a Son and Heir; and is given the same Authority as Jesus during His Ministry.

And what troubled Jesus, ANGERED Him exceedingly, the most? The "legalisms" of the Scribes, Pharisees, and the Sadducees that turned the people away from God's Law of Liberty & Justice with false rationalizations. It is Written that he declaimed "Woe unto..", which is the curse and damnation of God..the JUDGMENT. For, what is bound on earth is bound in heaven.

And this nation, today, is filled with "legalisms", and not God's Law of Liberty & Justice. The government has taken upon itself the legislation of morals, behaviour, ideals, and a new-found religion. This is, of course, not a new-found religion...humanism is as old as Babylon.

What can the Christian, as Minister of God do about it?

In his power to Warn the Wicked, he can still pass Judgment, timely, and should the unrighteous repent, then forgive them. How many that have been Warned repent?

None.

Governor Endicott, in the 1630s, by Shipboard Covenant dedicated this nation to GOD. In 1641, with the assistance of Hutchinson of Ipswich, the first written laws, the Magna Carta of Massachusetts was introduced in 1641.

This BODY OF LIBERTIES incorporated the principles of the

Old and the New Testaments. Approximately one hundred laws and liberties were incorporated into it. Among these were: FREEMAN, ALLODIAL FREEHOLD of properties, Jury Trial, Due Process, much of the predecessor; the Magna Carta 1215, and other Rights that influenced the colonies, and, eventually the Constitution.

Among these newfound Liberties was the dissociation of the State from the Church. Note: the State (away) FROM the Church; not the otherway around. The State was no longer to be an influence upon the Church; but the Church could, would, and should exert its influence upon the State.

Prior to this, the Sovereign (king) controlled the Church, and issued judgements through the Church that the courts might have resissed.

The Body of Liberties established that the government was never to control the Church, nor to oppress the citizens through the Church. Theological Judgments by the Church would, henceforth, be HONORED by the Courts...but not ENFORCED.

This is the ONLY separation of Church and State. The State was to have no political or theological influence upon the Church; and was NOT to establish any other. Establishment can be covert as well as overt and open; as the Humanism being covertly promoted at the present.

Thus, JUDGMENT by the Church MUST be HONORED by the State; even if the State does not enforce that judgment. Nor can the State deny, amend, or chip-away out of existant that judgment. For what is bound on earth is bound in heaven; and NO government can challenge the Word without the Wrath of God upon it.

Thus, the government that denies the Sovereign Citizen Sovereign Immunity, usurps jurisdictions to which it is not entitled by fraud and deceit, is illegal, unlawful, unConstitutional under false and fraudulent Amendment has ceased to represent the people, and has become a street-gang of rogues and scoundrels bent on plunder, not justice.

Such a government is a betrayer. Such a branch of government is a betrayer. It is of satan...not of GOD. Such a government, when Warned of its Wickedness, and refuses to Repent, refuses to Redress the just grievances of the Christian (who has been tricked into consent-of-the-governed) is under THE Judgment of God.

Thus, the Minister is Duty-Bound to pass upon it THEOLOGICAL JUDGMENT.

For, the Church is not a building, a structure, an organization, or any immovable object. The Church is the people, and Jesus Christ is the Head. And that which is done unto the least of these is done unto Jesus.



GOD is patient. But His eventual Wrath is fearsome.

Thus, as Minist-r, and as Church, this THEOLOGICAL JUDGMENT is herein bound upon the Unrighteous;

The Dept. Justice, IRS, Appellees, having admitted, admitted/averred as TRUE that all are illegal, unlawful, unConstitutional... and unChristian Anti-Christa all...and have no jurisdiction/authority: in the courts and in numerous pleadings...are herein so declared under THEOLOGICAL JUDGMENT.

And, for violation of the 9th Commandment are hereing adjudged to be abominable, arrogant LIARS all.

And it is further JUDGED that all those guilty of judgment upon the Christian Church are judged by that Church (which is the Body of Jesus Christ)ten-, one hundred-fold, and more; and which judgment is bound in heaven as it is upon the earth.

pro se  
forma pauperis  
Sovereign Citizen; Preamble.A.9,10  
Sovereign Immunity; " " " "

RT. REV. EDWARD W. LAND  
P. O. BOX 1008  
LOWELL, MASS. 01853

December 5, 1982

Department of Treasury  
Secretary of Treasury  
Comm.Int.Rev. Roscoe L Egger Jr  
N. Chiccarelli  
Charles Walsh  
Richard Greene

Ent # 6854614  
ret. vct.

83

ADMITTED, ADMITTED/AVERRED AS TRUE

PRIMA FACIE EVIDENCE

QUO WARRANTO PREROGATIVE WRIT OF SOVEREIGN CITIZEN

Under the governing principle of American Jurisprudence:  
"once a fact is found by a competent body..and law applied..the same  
facts can NOT be tried again by any other body..."

The key provisions are: "competent body" (which the IRS/Dept.  
Justice/U.S.T.Ct. etc. are NOT)(see below) and "law applied" which  
LAW being the U.S.Constitution...NOT commercial, Law of Merchant, etc..  
And the "law" has NEVER been legally, lawfully, Constitutionally  
applied at any time.

The IRS/Dept. Justice/U.S.T.Ct. has FAILED to establish jurisdiction  
and authority, when demanded, and has sought to evade-the-ISSUES by  
FRAUD, DECEIT, FELONY, AND TREASON, (Felony: violation Constitutional  
Rights; Treason: violation Article 6(3) mandate to uphold Constitution  
as Supreme Law of the Land).

"If there is a total WANT of Jurisdiction, the proceedings  
are VOID and a mere NULLITY, and confer NO rights, NO pro-  
tection, and afford NO justification nor basis in law--  
and shall be rejected when directly or collatorally drawn  
into question."

Thompson v Tolmie 2 Pet 157, 7 LEd 381  
Griffith v Frazier 8 Cr 9, 3 LEd 471

Dan assessment or levy is NO assessment nor levy without  
authority, power (jurisdiction) per law express and implied. "  
Peoples v Garrison, 81 SE 116, 141 Ga 411, 51 ALR (NS) 635  
Arndt v Griggs 134 US 316  
Arentsen v Moreland, 122 Wis 167, 99 NW 790  
28 U.S.C. 2671-2680; 1651; 2201; etc.

PARTICULARLY WHERE JURISDICTION IS ONCE CHALLENGED---  
SINCE SAME MUST BE PROVED ON THE ADMINISTRATIVE RECORD  
Hagans v Lavine 415 US 533n.5

AND THE QUESTION OF JURISDICTION IS PROPER WHERE THE IRS  
et al IS INVOLVED.

5 U.S.C. 554(b)(2); 558(b)

THE BURDEN OF PROOF BEING ON THE IRS et al

5 U.S.C. 556(d), 559(2), etc.

U.S. & Dong Ott v Shaughnessy 116 F Supp 745

"And once JURISDICTION IS CHALLENGED, the judicial process must  
come to a screeching HALT."

Crater lake v Ore 26 F Supp 363

Rt.Rev.Dr.Edward Wayland has challenged the Jurisdiction/Authority  
of the IRS/Dept. Justice/U.S.T.Ct. etc. numerous times.

IRS/Dept. Justice/U.S.T.Ct. has FAILED TO ESTABLISH jurisdiction  
and authority. And, where in all confrontations between government and  
the Sovereign Citizen are Public-Wrong, thus the confrontation becomes  
CRIMINAL, despite any fictitious label of "civil"; and under Procedural  
Safeguards: the Burden-of-Proof remains upon the government. Thus,  
in Failing-to-Prove has established Breach-of-Contract, Breach-of-Faith,

The IRS et al, can NOT seek at law..nor equity..remedies against  
individuals; for individuals are IMMUNE to DIRECT tax or regulation,  
which tax is NOT apportioned. (U.S.Const. Art.1(2)(3); 1(9)(4)

Pollock v Farmers Trust 158 US 157

FURTHERMORE:

"an application for enforcement of an agency order (providing such  
agency has jurisdiction and authority) shall be filed with the clerk  
of a COURT OF APPEALS..."

F.R.A.P. Rule 15(b)(1), etc.

5 U.S.C. 551(6), etc.

(which makes filing of LIEN illegal in addition to other defects)

Rt. Rev. Dr. Edward Wayland has denied jurisdiction and authority; has charged Fraud, Fraudulent, Felony... and now charges TREASON.. all of which charges MUST BE ANSWERED under 5 U.S.C.

This, the IRS et al has refused to do because it can NOT establish nor prove jurisdiction and authority. And until such jurisdiction and authority is proven, all judiciary, legislative, and executive proceedings AGAINST Rt. Rev. Dr. Edward Wayland must come to a screeching HALT.

That any proceedings by ANY branch, department, agency, etc. of government thereafter are illegal, unlawful, unConstitution; and are Felony, Subornation-of-Perjury, Subornation-of-Felony, Subornation-of-Treason.

The alleged agents-of-, and the IRS et al, have continued; and such actions, of course, constitute Criminal Harassment without jurisdiction and authority... which is valid only to the Kol-Nidre-gang (an entirely alien and foreign concept which is strongly DENIED in the U.S. Const) and not upon the Sovereign Citizen, Third-Party Non-Signer.

"the individual owes NOTHING to the state for he receives nothing therefrom." (in fact U.S.A. for Manhattan Project radiation damage OWES, and has ignored such DEBT).

Hale v Henkel 201 US 43

Furthermore: the IRS/Dept. Justice/U.S.T.Ct. (and all agents thereof) have, after being given many months (and in some instances: YEARS), have Failed-to-Prove; and have thus admitted/averred as TRUE:

1. Neither IRS nor Dept. Justice nor U.S.T.Ct. has jurisdiction/authority
2. All above have acted illegally, unlawfully, unConstitutionally
3. All Notice-of-Deficiencies filed on Rt. Rev. Dr. Edward Wayland are FALSE, FRAUDULENT, and VOID
4. Amend. 17-Court "findings" are illegal, unlawful, unConstitutional; and without jurisdiction/authority: are null and void.
5. Federal Tax Lien placed on Church Property at 27 Nichols St., Haverhill is FRAUD; ESTABLISHMENT OF RELIGION; Violation of Free Exercise Clause
6. IRS has Failed-to-PAY jury-judgment of 72-3269-M, 50,000.00 seized from P.O. Box; costs & expenses demanded
7. IRS et al has repeatedly violated the Privacy Act, P.O.I.A. 5 U.S.C. 552, 552(a)
8. Breach-of-Contract; Breach-of-Faith; Failed-to-Protect
9. IRS et al is illegal and outlaw
10. IRS et al has violated Art. 6(3) mandate to uphold the Constitution
11. whatsoever is not herein listed is not waived by omission.

Thus, the IRS et al, notwithstanding any Amend. 17 courts, has failed to prove/establish jurisdiction and authority and MUST:

Dissolve, vacate, cancel all Notices of Deficiency;

Dissolve, vacate, cancel the Fraudulent LIEN;

Return ALL seized properties;

Cease to trespass, harass, etc. against the person, property, papers, and effects of Rt. Rev. Dr. Edward Wayland, and cease violating all Constitutional Rights; Amend 4 in particular.

*Rt. Rev. Dr. Edward Wayland* *pro se*  
for a pauperis  
Sovereign Citizen; Preamble, et

RT. REV. EDWARD WAYLAND

P. O. BOX 1008

LOWELL, MASS. 01853

NOTE: Writ of Impecuniosity and Inability to Comply has been filed on the basis that even if IRS was valid, Rt. Rev. Dr. Edward Wayland could NOT comply because he has had NO lawful money since 3/18/68.

ENCLOSURE

UNITED STATES COURT OF APPEALS  
FOR THE FIRST CIRCUIT

26

Rt. Rev. Dr. Edward Wayland

against

Internal Revenue Service et al

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No. 82-1306

86

ADMITTED, ADMITTED/AVERRED AS TRUE

PRIMA FACIE EVIDENCE

SOVEREIGN CITIZEN SOVEREIGN IMMUNITY

DEMAND "MEMO" BE VACATED

I.

Comes now the Sovereign Citizen Sovereign Immunity (Preamble, Amend. 9, 10; Declaration of Independence; Admitted/Averred as TRUE) Appellant, Rt. Rev. Dr. Edward Wayland, as Christian Minister in Affidavit//Theological Judgment demand that Memo and Order, which is herein declared denial of justice and access-to-justice

Dated 7/6/82

Received 7/23/82

(From Boston to Haverhill in 17 days?)

be vacated, case be remanded for JURY trial

AND, in ALTERNATIVE: is NOTICE OF APPEAL

II

Citations in "Memo" are not valid, as (a) none is prior determined by Common Law Jury Trial per pais peers (Amend. 7)

(b) Do not apply to issues presented, or to demand for redress

(c) thus establishing violation of Constitution; Denial of justice and access to justice

(d) U.S.S.Ct. has ruled that only parties litigant are bound (Green v U.S.)..providing court has not lost jurisdiction/author.

(e) The court, bound by Art. 6 does not have the jurisdiction/authority alternatives, for Constitution is provisions of Contract. There is NO alternative to interpret the Constitution but to ABIDE by it. For, whatever is in conflict with any part thereof is unconstitutional; and to cite unconstitutional..that violate Preamble, Art. 1, 3, 4, 6, Amend. 1, 2, 4-10, 14, etc. is to become unconstitutional.

III

Under Common Law Public-Wrong, which is basic foundation, all Procedural Safeguards apply. Courts have ignored these provisions. All Constitutional questions MUST be ANSWERED (Preamble, A. 9, 10; U.S.S. Ct.) for Burden-of-Proof is upon Governments. The courts have ignored this; and have failed-to-prove. In fact, have Admitted, Admitted/Averred as TRUE as to the unconstitutionally CHANGED!!!

So how can the court uphold unconstitutionality?

Of course, the answer is very simple. There is NO way the government can prove Constitutionality..ignore it. But what is evil remains evil no matter how much ignored.



For, as Minister: one of the Children-of-GOD has spoken and written TRUTH. To deny this, as this court has done, is to charge that GOD is a liar. Thus, the court is not doing the Will of GOD but that of satan.

This court does not, in a Christian Nation, have the jurisdiction/authority to ignore GOD or HIS Mandate. Amendment 1 establishes that neither GOD nor HIS Children come under the jurisdiction/authority of satan-dominated court; and forever remain a separate and absolute authority to which, by provisions of Body of Liberty 1641, this Court must do HONOR, and yield its oppressive unConstitutional government practices.

Otherwise the court has failed-to-protect (Amend.4,9,10) and had given back to the Sovereign Citizen Sovereign Immunity to redress. This is affirmed strongly by Jesus Christ in Matt.18:15-17 wherein HE stated clearly how these despots and tyrants were to be treated.

IV

No lawful, legal, Constitutional answer (as required), denial, dissent has ever been filed by lawful, legal, Constitutional Defendant, timely or otherwise. This constitutes: ADMITTED, ADMITTED, AVERRED AS TRUE..Prima Facie Evidence: of ALL COMPLAINTS, PLEADINGS, by Appellant.

Neither this court nor any other can ignore such prima facie evidence...and pull hot-air rationalization out of thin air, which is, of course, unsubstantiated, unsupportable, and totally absurdly insufficient.

Nor can the court whose only legitimate function is to protect the Sovereign Citizen interceded in behalf of the adverse litigant for that is "taking-sides" and is unconscionable bias--a rupture of Constitution, Common Law, God's Law of Liberty & Justice. Such action by the court converts instant case into that of

MINISTER against (a) INS et al (b)Dept.Justice (c)entire judiciary--in fact the entire government against ONE minister. What is that if not collusion/conspiracy?  
What is that if not Contempt-of-Constitution?

V

Furthermore, W.Arthur Garrity jr, as representative of the lower court, has Admitted, Admitted/averred as TRUE to being illegal, unlawful, unConstitutional under Defective Amend.17-Senate; and, being unimpeachable, is Sovereign Citizen FIRED. Therefore, none of his alleged actions, etc. on the bench are valid. He is null and void; and so are his "opinions".

VI

Issues, Demands, Admissions, etc.:

1. Jury Trial demanded
2. U.S.Atty, INS, etc. are illegal, unlawful, unConstitutional
3. Citations are not valid; null and void for violation of Constitution and cannot be upheld.

4. Appellant, as source of all authority, has never granted permission/consent to dismiss (Republic..not democracy).
5. In affirming violations of Constitution, the court violates Art.6 oath/affirmation to uphold Constitution as Supreme Law--that means enforce, not slitheringly "interpret"

But, this U.S.C.A.1. has, in past, declared U.S.Const. not valid. This, plus defective Amend.17-Senate establishes INS (2.above) is illegal, unlawful, unConstitutional; thereby the actions complained of are complaints of FELONY.

- 6.21 This being Church-State confrontation, under provisions of Preamble, Art.1,3,4,6, Amend.1,4,9,10, etc. complete with Oath of Purgation, Charge to Ordeal, Writ of Habeas Corpus, the actions of the various branches of government..and the USCA1..are challenging GOD. The government, the judges are stating bluntly that THEY are greater than god. GOD does not take kindly to such perverted self-pride. Such abomination is, of course, eternal self-damnation.
7. So, how can such violations of Constitutional, civil, common law, and Religious Rights be legal, lawful, Constitutional and valid?

#### VII

As a Minister and one of the Children-of-God, Appellant is not required to harangue and prove GOD. Just quietly present HIM, and, thereafter, self-damnation by rejection of HIM is not the burden of the Minister. His duty is done.

In the meantime the morals and ethics of the courts are an abomination of unrighteousness. Maybe the court pol. "bosses" will approve. GOD does not.

Such interference and restraints of absolute Amendment 1 Christianity also violates Amends.9,10, Civil & Religious Liberties, Attempts to destroy GOD & the Works of GOD, violate the Constitution and the Mandate of GOD. Such a government, or branch thereof is an anarchy against the Constitution...and is OUTLAW.

Those who do the bidding of satan are self-damned; which self-damnation overflows onto their children and their children's children to the 3rd-4th-7th generation with continued renewal of damnation.

It is Written.

#### VIII Theological Judgment

The Declaration of Independence, Preamble, Amend.9,10, etc. establish the Sovereign Citizen as master in Contract, with unchallengeable Right and Authority to REVOKE his "Consent of Governed" (Art.6).

Such "government of-" is not the "nation of-", not the "people of-", but a satanich, unholy "government of-"...what? It most certainly does not represent the people--nor admits to the Constitution--has declared war upon the people, the Minister, the Children-of-GOD--and GOD HIMSELF

This is Perjury, Felony, Treason, Anarchy, Outlaw  
(Brandeis in Olmstead v U.S.)

This is a lawful, legal, Constitutional entity?

Thou shalt not steal...bear false witness

The IRS has done so  
The Dept. Justice has done so  
The Judiciary has done so

The Gestapo in Germany was high-and-might; yet dies a  
horrible death in blood and fire.

Will the fate of the American Gestapo be the same?  
Ezekiel, Daniel, Revelation says YES

IX

Therefore this court must vacate finding, memo, and remand for  
JURY Trial demanded. Jesus Christ did not appear to win Popularity  
Contests. HK came with Mandate. This same Mandate is presented,  
at court peril, to this court.

In the Alternative this is NOTICE OF APPEAL on the above  
grounds; and those not listed herein are not waived by omission.  
(Enclosures ABC in support; and Revocation consent-of-governed).

pro se  
forma pauperis  
Sovereign Citizen; Preamble.A.9,10  
Sovereign Immunity; " " "  
Affidavit//Theological Judgment

RT. REV. EDWARD WAYLAND  
P. O. BOX 283  
HAVERHILL, MA 01830

CERTIFICATE OF SERVICE

This is to certify that service of the foregoing has been made  
this 24th day of July, 1982 upon Defendant by depositing a copy  
thereof in the United States mail postage prepaid addressed to

William F weld  
U.S. Atty office  
McCormack P.O. & Ct.  
Boston, Mass 02109

RT. REV. EDWARD WAYLAND  
P. O. BOX 283  
HAVERHILL, MA 01830

UNITED STATES COURT OF APPEALS  
FOR THE FIRST CIRCUIT

P.O. Box 106  
Lowell  
July  
Court  
24

Rt. Rev. Dr. Edward Wayland

against

CIVIL No. 82-1306

Internal Revenue Service et al

90

ADMITTED, ADMITTED/AVERRED AS TRUE

PRIMA FACIE EVIDENCE

SOVEREIGN CITIZEN SOVEREIGN IMMUNITY

SUPPORT OF DEMAND "MEMO" BE VACATED

Comes now the Sovereign Citizen Sovereign Immunity Appellant, Rt. Rev. Dr. Edward Wayland, as Minister in demand that the "memo" of dismissal be vacated with enclosed Ex "D" in support thereof listed as

SOVEREIGN CITIZEN SOVEREIGN IMMUNITY CIVIL, RELIGIOUS, COMMON LAW, etc. RIGHTS TAX PACKET. 74 pages

AND IN THE ALTERNATIVE

THIS WOULD THEREBY BE

NOTICE OF APPEAL

BASED ON ALL THAT

HAS BEEN FILED WITH THIS COURT.

*certify & forward*

*Rt. Rev. Dr. Edward Wayland*  
Sovereign Citizen

Preamble. A. 9, 10  
Sovereign Immunity; " " "  
Affidavit/Theological Judgment

CERTIFICATE OF SERVICE

Rt. Rev. Dr. Edward Wayland  
P. O. BOX 283  
HAVERHILL, MA 01830

This is to certify that service of the foregoing has been made this 4th day of August, 1982 upon Defendant by depositing a copy thereof in the United States mail postage prepaid addressed to William F Weld U.S. Atty office McCormack P.O. & Ct. Boston, Mass 02109

*Rt. Rev. Dr. Edward Wayland*  
Sovereign Citizen

RT. REV. EDWARD WAYLAND  
P. O. BOX 283  
HAVERHILL, MA 01830



Rt. Rev. Dr. Edward Wayland

against

No. 82-1306

Internal Revenue Service et al

94

ADMITTED, ADMITTED/AVERRED AS TRUE

PRIMA FACIE EVIDENCE

COMMON LAW AFFIDAVIT;  
DISCLAIMER OF JURISDICTION & AUTHORITY;

and

DECLARATION OF OUTLAW

Comes now the Plaintiff, Rt. Rev. Dr. Edward Wayland (Ph.D., Ms. D.D.), and herein deposes under Common Law (Christian as derived from the Old & New Testaments, and not the former king's courts) that in the instant case:

1. He was denied demanded Jury Trial and other guaranteed Constitutional Rights in U.S.D.Ct. (Mass) CIVIL No. ~~82-1306~~
2. He was denied demanded Jury Trial and other guaranteed Constitutional Rights in U.S.C.A.1. (Mass) CIVIL No. 82-1306
3. He was denied demanded Jury Trial and other guaranteed Constitutional Rights in U.S.S.Ct. CIVIL No. \_\_\_\_\_
4. The Preamble of the U.S. Constitution establishes, beyond question the who, what, why of the new nation. The Sovereign Citizen (having fought a bloody Revolution) retained his dominant role as Master; and the Government was established as his Servant with limited, enumerated powers.

And when that government exceeded or violated any of the enumerated powers it breached, rescinded the established provision and the implied CONTRACT; and where the government was a newly established nation under BLESSING, thereby breaks HIS COVENANT.

5. That under the Common Law, and Amendment 1 Right to Petition for Redress of Grievances; Amendment 9 unenumerated Rights and 10 reserved Rights (and the inalienable Rights of the Declaration of Independence); Plaintiff was denied Due Process of Amend 4, 5; and Equal Protection, Privileges and Immunities of Art. 3, Amend
- That whenever the government decides what issues and what

and what controversies and what evidence (if any) is to be allowed (in violation of Freedom of Speech), the resultant violation is a mockery of the demand for Trial "by-the-country"(per pais peers), and is a horrible decision:

of the government, by the government, and for the government....on government-issue

in violation of the PREAMBLE which mandates that the government is but the servant; and cannot exceed the Master.

6. As a result of such behaviour in instant case, all the courts lost jurisdiction for the crime (gov't anarchy) of violating the Constitutional Rights of Plaintiff, Rt.Rev.Dr.Edward Wayland. (AmJur2d Constitutional Law, Courts, Jurisdiction, Jury, Taxpayer-Action); Thereby, all resultant opinions, decisions, orders, decrees, etc. are null and void as though they had never been made.

It is an established fact, res judicata, that the court loses jurisdiction when it violates the Constitutional Rights of the litigant. When it loses jurisdiction, the court also loses authority. However, it has been established...in this court... that the court had no original jurisdiction or authority to take any action without the presence of the Common Law Jury per paid peers, who, as Sovereign Citizens establish full jurisdiction and authority under the Constitution...and not Amend-17 Senate "statutes" court.

By denying access-to-justice to the Plaintiff in the courts (Magna Charta, Common Law, Constitution, Declaration of Independance Preamble, and the TEN Commandments..reinforced by the Eleventh) for his demand to Redress his Grievances:

this court has Failed to Progeat as mandated by Amend. 4;

as clearly and bluntly stated in the Preamble, Amends 9,10... the Courts have lost..completely lost jurisdiction over the person, property, papers and effects of the Sovereign Citizen, Rt.Rev.Dr. Edward Wayland, for all time.

7. The government has a duty to the Sovereign Citizen.

8. The Sovereign Citizen (as Master) has a duty to government, but that duty is tempered, conditioned, upon government upholding God's Law of Liberty & Justice (often called the Natural Law, the Law of the Land, Law of Conscience, and more aptly; the Common Law); for, when the government breaks that Law, its actions become ANTI-GOD; in which event are no longer binding upon any and all Christians.

It is, of course, established that the Sovereign Citizen is endowed with all Rights directly from God..and government is en-

entitled to only that portion which the Sovereign Citizen is willing to share. That more demands upon those rights are usurpation and illegal seizure.

That is, of course, Anti-God. And that which is Anti-God is of Satan:

(a) To uphold a pagan government would mean to the Christian that he was adding to Satan's Glory by surrendering to him that which belongs to God. This is in Violent opposition to Christian belief and is completely unthinkable in its utter horror.

(b) Would glorify satan through fear of sickness, pain, trouble, death. This is in violation of Christian belief for the Christian believes that the Great Deceiver, satan, has no jurisdiction: having lost it at Calvary.

(c) Christians would glorify satan by giving in to him in times of temptation & trial

Submit yourselves, therefore to God. Resist the devil and he will flee from you. Jas. 4:7

Be sober, be vigilant; because your adversary the devil, as a roaring lion, walketh about, seeking whom he may devour: Whom resist steadfast in the faith, knowing that the same afflictions are accomplished in your brethren that are in the world. But the God of all Grace, who hath called us unto His eternal glory by Christ Jesus, after that ye have suffered a while, make you perfect, stablish, strengthen, settle you. 1 Pet 5:8-10

(d) Christians would glorify satan by permitting him to keep them sick and in bondage (Amend 13). This is in opposition to the multiple promises of God.

Ye shall know them by their fruits. Do men gather grapes of thorns, or figs of thistles? Even so every good tree bringeth forth good fruit; but a corrupt tree bringeth forth evil fruit. Matt 8:16,17

There shall no evil befall thee, neither shall any plague come nigh thy dwelling. Ps 91:10

(e) Christians would glorify satan by permitting him to rob them of the wonderful, material benefits promised them by God.

But seek ye first the kingdom of God, and His righteousness; and all these things shall be added unto you. Matt 6:33

For with the same measure that ye mete withall it shall be measured to you again. Luke 6:38

(f) Christians would add to satan's glory by advertising his works and magnifying his power:

Testimony of the power of satan by sickness, sin, defeat, poverty, failure---which is NOT God's Promise.

By acting as his tools to defeat the Word of God.

In Matt 16:21-25, Jesus Christ rebuked Peter for permitting Satan to influence Peter to stop fulfilment of prophecy.

Those things come from satan, the ravening destroyer:

Strife, hatred, malice, wrong-doing of any kind  
fault-finding, fears, retaliation, lusts, worldliness,



foolishness, insincerity, hypocrisy, dishonesty, deceit, failure, doubt, formality, legalisms, deadness, lack of spiritual power, etc.etc.etc.

(g) When "they" propagate false doctrine, which is in truth: bearing false witness; become dishonest by refusing to accept the truth; exhibit personal bias and uphold false "laws".

Ye shall not steal, neither deal falsely, neither lie one to another. And ye shall not swear by My Name falsely, neither shalt thou profane the Name of thy God: I am the Lord. Thou shalt not defraud thy neighbors, neither rob him. Lev 19:11,12

Keep thee far from a false matter; and the innocent and righteous slay them not: for I will not justify the wicked. Exod 23:7

(h) Christians would add to satan's glory by failing God in Life & Work. God has given man free-will, direction, & Grace to live by. To glorify satan would be unbelief in God; Failure to trust God (and when man can not trust God...then man can trust no man); Unconcern for lost souls; and, of course, Disobedience to God.

Being filled with all unrighteousness, fornication, wickedness, covetousness, maliciousness; full of envy, murder, debate, deceit, malignity; whisperers. Back-biters, haters of God, despiteful, proud, boasters, inventors of evil things, disobedient to parents. Without understanding, covenant-breakers, without natural affection, implacable, unmerciful...Rom 1:29-31

They profess that they know God; but in works they deny HIM, being abominable, and disobedient, and unto every good work reprobate. Ti 1:16

(i) For, to glorify satan is to deny God.

To glorify a government that has moved out from the umbrella, the armour of God's Blessing and thence into Judgment (approx. 1/1/1980) is to glorify satan; for that government is, of course, satanized and not of God.

For, this is strictly forbidden by the FIRST Commandment: THOU SHALT HAVE NONE OTHER GODS BEFORE ME Exod 20:3

(j) Thusly, a Christian is forbidden to glorify satan of any of satan's works, not only by the first Commandment, but by the SECOND as well; thus there is double-prohibition

If ye continue in My Word, then are ye My disciples indeed; and ye shall know the truth, and the truth shall make you free. John 8:31,32

(k) Thus, not only is the Christian bidden to lay aside all fallacies but, as a Christian he is a minister (ordained by God), a servant-of-God, His Son and Heir. And, to betray that relationship is to descend into Judgment; and the Judgment of a Wrathful God is fearsome.

(l) No Christian, in all conscience can support satan or any satan-inspired works. This Mandate makes the Christian a Conscientious-Objector to EVIL government on Religious grounds, and not a "rebel" as he is oft mis-labeled: for it is government that has rebelled against the Word of God, betrayed the people



entrusted to its protection, and thereby gone into Judgment.

No Righteous person can be compelled to go into unrighteousness. (Amend.1 Freedom of Religion). If the government choses to do the bidding of satan, the Christian is not required to follow. (In fact Nuremberg established he MUST resist).

Of course, satan, the great deceiver, will deny this most emphatically; but then, he is the most accomplished, convincing liar the world has ever seen. (And I suspect he may have established headquarters in "law" schools). In fact, Satan, too, is empowered to perform miracles, and to write "bibles"...all false; and to inspire false prophets to deceive and to confuse

And many false prophets shall rise, and shall deceive many. Matt 24:11

Satan had dominion over the eart until the rebellion/fall.  
Ezek 28:11-19

Then Adam had dominion over the earth until the fall, at whic time Satan resumed his former domian upopposed.

Jesus Christ took away that dominion and established dominion over satan, himself; then he returned dominion back to man (under Grace)..until the End-Time. However, the defeated satan raged even more violent and furious against the Children-of-God.

(m) All things come from God; and they are good. (Gen 1:10 12,18,21,25,31); Governments come from God---but corruption of government does not.

For he that soweth to his flesh shall of the flesh reap corruption; Gal 6:7; Beatitudes Mk 5:3

(n) Thus, the corrupters will not remove their evils of their own free will. They compel the glorification of satan by the most appalling wastes; murder by war and abortion; (and when Social Security gets into trouble as it will eventually...by wuthenisia); by laws that corrupt morals, moral-behaviour, establish satanic Humanism; by radiations, by poisons upon the unsuspecting victims. The purpose of the Destroyer is to destroy the family life; to create rebels by the millions; to rob the people and to institute peonage via false (worthless) money; attack and condemn Christians; and to support the Anti-Christa; to betray God's Law of Liberty & Justice with a myriad Judas Iscariots.

For with what judgment ye judge, ye shall be judged; and with what measure ye mete, it shall be measured to you again. Matt 7:2

Wherefore the law is holy, and the commandment holy, and just, and good. Rom 7:12

O generation of vipers, how can ye, being evil speak of good things? A good man out of the good treasure of the heart bringeth forth good things; and an evil man out of the evil treasure bringeth forth evil things. Matt 12:34,35

9. The government is the Minister for God's Law of Liberty & Justice. Thus it is under CONTRACT to the Sovereign Citizen; and

COVENANT with both God and the Christians. The Christians, as Ministers, servants-of-God are thereby Sons & Heirs; and when any Grievance is done to the servant..it is equally done to God.

The Word speaks of the Unjust man, the Ungodly man, and the Ungodly nation that went under Judgment. For these trouble and Disturb the Lord God. However, he does NOT remove his Blessing, once given. Yet about January first, 1980 (exact date indefinite) the United States of America slid, slithered, out from under that Blessing directly into a Judgment which will be upon the nation swiftly as Sodom, Gomorrah, Ninevah, Assyria, Babylon, Persia, Rome

And shall not God avenge His own elect, which cry day and night unto him, though he bear long with them? Luke 18:7

The certainty of that Judgment is as certain as the parable of the fig tree that bore no fruit and was destroyed by a wrathful Jesus Christ (Matt 21:19; Mark 11:20) so that the nation that bears no fruit shall be destroyed.

Thus, no Christian, under conscience, can be compelled to support a-satanized nation that has become so corrupt it is under Judgment. To do so is to honor satan and thus deny God. The scribes, pharisees and sadducees of government have betrayed the Christian who trusted him, and have cruelly deceived him with the Mark-of-the-Beast, the Social Security number and other frauds.

10. Under Amendment 1: the Christian has the Right to Petition for Redress of Grievances. This, under legalisms, has been denied him. and it is the legalisms of the scribes, pharisees, sadducees that angered Jesus Christ to the point where he declaimed "Woe unto" (Cursed be) the legalism inciters: scribes, pharisees, sadducees.

Under Art. 3, Amend 6,7, the Christian has the Right to Common Law Jury Trial per pais peers. Here, too, by legalisms he has been denied.

All those Rights, and many others, are Guaranteed and mandated as Unenumerated, Reserved and Inalienable Rights by the Preamble, Amend 9,10 and the Declaration of Independence (via Art 6, Amend 14) The Christian is also guaranteed Due Process, Procedural Safeguard the Common Law as established by God's Law of Liberty & Justice (usually regarded as the first five books of both Testaments).

By artful legalisms the Christian has been denied, deprived of all those Rights and more.

11. There has not been a Common Law Jury Trial per pais peers since before the Civil War...and other Rights have been distorted into a semblance, or actual, oblivion by deceit and legalisms.

12. And then, in 1913, the government in undeclared WAR upon its unsuspecting Sovereign Citizens spawned a monster gestapo straight from a hell that would make Dante's Inferno a prelude to kindergarten. God asks, quietly, for tithing of 10%. However, the satanized government seizes (theoretically more than 10%) by means of false-money...ALL of the value...thus attting itself higher than God, which is a mark of satan, not of good government.

With his excessive, exorbitant taxation to build his magnificent temple, Solomon drove his people into revolt, rebellion, and almost destroyed them.

When the government ceases to honor the Rights of the Christian which Rights are mandated from God via the Constitution of the United States, that government has become the tool-and-accomplice of satan; and thus has truly lost jurisdiction and authority over the Christian.

For: No Christian Can Be Compelled To Support Satan

and

13. Whereas no other branch of government, other than the Judicial has the jurisdiction or authority to Redress his Grievances, no other branch of government therefore has the slightest jurisdiction of the person, property, papers, or effects of the Christian, Sovereign Citizen, Rt.Rev.Dr.Edward Wayland.

It has long been established that the only legitimate function of government is to protect the Sovereign Citizen; and the only official, legitimate function of the judiciary is to protect the Sovereign Citizen from oppressive government practices.

All have failed...more likely...refused to.

The government, all branches, has refused to do this, has stated bluntly that the Christian is not entitled to the Mandate of Constitutional Guarantees. The nation has, as a result, ceased to be a republic...and is now a thinly-veiled police-state tyranny similar to Hitler's Third Reich.

A tyranny is not what the Sovereign Citizen, Rt.Rev.Dr.Edward Wayland has agreed to.

14. In the olden days when a man had a grievance, he redressed it himself. During the formation of societies, he gave up that right on the theory that when a man was grieved, the entire society was grieved, and the Society then redressed the grievance. But when that Society refuses to Redress the Grievance, it has returned that Right to the man to redress it himself; and has ceased to be an honest, reliable, dependable Society.



15 Until such time as this Court Redresses the Grievance of the Plaintiff, Rt.Rev.Dr.Edward Wayland, all rules, regulations, and misconstrued citations that deprive him of Justice/Redress are Unconstitutional on their face and in their application.

As stated in the U.S.D.Ct. 7/6/79 (Zobel,j)

"If the government refuses to uphold (its CONTRACT) the Constitution of the United States, then it cannot enforce it upon the Plaintiff."

B.

#### DECLARATION OF OUTLAW

JESUS CHRIST (Matt 18:15-17) stated bluntly that when the person, nation has been rebuked and refuses to listen, refuses to repent they are to be treated as "pagan" and "publican". Thus, HE admitted to the Old Testament Law that such are to be placed outside the law, and treated accordingly.

Plaintiff, Rt.Rev.Dr.Edward Wayland, has repeatedly rebuked this Court and the judges thereof. They have refused to listen, refused to repent, refused to Minister for God's Law of Liberty & Justice.

The instant case was illegally, unlawfully, unConstitutionally dismissed without demanded (and Mandated) Jury Trial, with sadistic violation of multiple other rights. This was done in a court, by a judge who had no authority nor jurisdiction to dismiss because the court and the judge, both being Amend-17 Senate relics, are illegal, unlawful, unconstitutional:

(a) Amendment 16 (income tax) is illegal, unlawful, unConstitutional because it has never been properly sent out of Congress, never ratified properly, never properly signed into law. Ohio, W.Virginia, Arizona, New Mexico, Hawaii, Alaska are illegal "states" (N.H. & Texas suspect, also), and cannot vote, nor ratify.

(b) Amendment 17 (change election senators) is illegal, unlawful, unConstitutional for it has never been properly sent out of Congress, never properly ratified, never properly signed into law (see above)

(c) Federal Reserve Act of 1913 (as amended: Banking Act of 1935//Monetary Control Act of 1980) is illegal, unlawful, and unConstitutional (a.&b.above). In addition, the Act establishes a Central Bank as a Private Corporation (allowed?); which by the Constitution has limited (if any) authority.

However, wherever the Act amends and changes the Constitutional Monetary System (U.S.Const), it is illegal,



unlawful, unconstitutional.

For, the Constitution can be changed only by AMENDMENT.. with 2/3 of Congress, and 3/4 of states ratifying. By AMENDMENT, AND AMENDMENT ONLY..not by quicksand statute.

Thus, the federal reserve note is NOT lawful money; and no amount or number of statutes passed after 1914 by a defective Amend-17 test can now correct.

(d) Thus, with a Senate improperly, unConstitutionally elected:

That the duty of the Senate is to certify the president as elected, who, in turn, appoints..and whose subsequent appointees are confirmed by the Senate.

However, since 1914 the Senate has been illegal, unlawful. Amend 17-Senate without Constitutional power or authority to certify, to confirm, to affirm treaties, or to participate in lawful, legal Constitutional legislation.

Thus, under the Advise-and-Consent Clause, the Amend-17 Senat has and had NO authority to confirm the U.S.D.Ct. judge of instant case. Thus said judge and others acted illegally, unlawfully, unConstitutionally.

(e) Thus, the only lawful, legal portion of the Judicial system remaining:

is Common Law Jury Trial per pais peers..with an assisting...not directing...judge (present only for the benefit of the jurors & Sovereign Citizen...a far cry from present practices, all of which are illegal, unlawful, unConst.).

(f) Thus, dismissal of instant case by an unlawful judge (as determined by Defective Amend 17) is usurpation of power; and such dismissal is null and void as though it had never been made.

Therefore, as Sovereign Citizen, Rt.Rev.Dr.Edward Wayland, by the Preamble; Amends 9,10; Magna Carta; Common Law; God's Law of Liberty & Justice; for multiple..and continuing..violations of the Constitution of the United States in sadistic defiance of the Article 6(3) mandate; and as being illegal, unlawful under Amend-17 Senate; Prerogative Writ of the Sovereign: Quo Warranto, as Sovereign and Master herein DECLARES the U.S.District Court and the Judges therein

OUTLAW

SUBSCRIBED AND AFFIRMED UNDER PAINS AND PENALTIES OF PERJURY ACCORDING TO THE COMMON LAW (Christian not former king's self-seeking courts) this 14th day of August, 1982

*Rt. Rev. Edward Wayland* pastor  
for a pauperis  
Sovereign Citizen; Preamble A. 9, 10  
Sovereign Immunity; " " "  
Affidavit/Theological Judgment

RT. REV. EDWARD WAYLAND  
P. O. BOX 283  
HAVERHILL, MA 01830

UNITED STATES COURT OF APPEALS  
FOR THE FIRST CIRCUIT

2M

Rt.Rev.Dr.Edward Wayland

against

No. 82-1306

Internal Revenue Service et al

103

ADMITTED, ADMITTED/AVERRED AS TRUE

REVOKE CONSENT OF GOVERNED

PRIMA FACIE EVIDENCE

The Preamble, Amendments 9, 10, Common Law, and the Declaration of Independence establish the Citizen as Sovereign and in total Immunity, wherein his individual (Republic) consent/permission must be established...not implied.

The Constitution of the United States is contract between the Citizen, as master, and his servant: the government. It also establishes that the government is NOT the United States, but a separate entity so that the citizen is a Citizen of the NATION of the United States...but NOT a Citizen of the government-of- the United States.

This court, the other courts, and numerous branches of the government have been repuked numerous times, but still refuse to uphold the Constitution of the United States; instead assuming a pseudo-legalism which is criminality dressed up on fancy clothes, to give a semblance-of-law while clamping on the chains of tyranny. This is undisputable fact. Both the U.S.D.Ct. and the U.S.C.A.1. have stated..in writing..the Constitution of the United States is not valid, binding law. res judicata.

This nation, being republic, it is the consent of the INDIVIDUAL, not mob-rule democracy, that is required. This government..as being separate from nation..has established and proven to be a despotic tyranny, violating the CONTRACT: Constitution of the U.S. Being openly: Anti-Constitution, Anti-Christian, Anti-Christ, Anti-Citizens. This government has denied, deprived of Mandated Constitutional Rights--Right to be heard, Right to Redress of Grievance, Right to Jury Trial by-the-country (not by-the-self-serving government), Individual, Constitutional, Common Law, Civil, Religious; Unenumerated, Reserved and Inalienable Rights, etc.etc. etc. And, this government has far surpassed the evil-deeds of George III that precipitated the Revolution.

That which is not-of-GOD...is of-satan. And, all Christians are prohibited from upholding satan.

Neuremberg established that NO citizen, Christian or not, is required to uphold evil laws, evil government.

The government has refused to uphold the Constitution; and, instead is upholding the 666 Mark of the Beast I.R.S.

Jesus Christ stated bluntly in Matthew 18:17 that these people are to be treated as pagans and publicans....a damned and condemned Anti-GOD kennite.

Thus, though this is a Christian Nation, an Anti-Christ government has self-established itself...an evil government that can NOT command the loyalty or obedience of the Christian. This government has ignored the repeated declaimers that for violation of Constitutional Rights the government, branch of government, and creations-of-government have lost jurisdiction/authority; and have proceeded to act without jurisdiction/authority...which is Perjury, Felony, Treason, Anarchy, and, of course, Outlaw.

Under such usurpation, blanket and bold usurpation, the Sovereign Citizen Sovereign Immunity has no alternative but to herein Disclaim and Deny all such implied and usurped jurisdiction/authority; and herein REVOKE his Consent-of-Governed and all that "governed" implies as per the Declaration of Independence. which is brought to this court by Article 6 of the Constitution of the United States, and which, thus brought in is the Supreme Law of the United States. Res Judicata. Admitted, Admitted/Averred as TRUE and thereby Prima Facie Evidence.

This herein does NOT revoke the Citizenship to the nation of the United States; only the claim that such citizenship is to the "government-of-" which is not so, and has never been so established.

AFFIRMED AND SUBSCRIBED UNDER PAINS AND PENALTIES OF PERJURY  
ACCORDING TO THE COMMON LAW (Christian, not former king's self-  
serving courts) THIS 14th DAY OF August 1982

*Rt Rev Dr Edward Wayland* pastor  
pro se  
Sovereign Citizen; Preamble.A.9.10  
Sovereign Immunity; " " " " 5  
Affidavit//Theological Judgment  
of Christian Minister

RT. REV. EDWARD WAYLAND  
P. O. BOX 283  
HAVERHILL, MA 01830

ADMITTED, ADMITTED/AVERRED AS TRUE

PRIMA FACIE EVIDENCE

A<sub>2</sub>  
3A  
105

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNIVERSAL LIFE CHURCH, INC.,  
Plaintiff,

Civil No. S-1954

FILED

MAR 1 1974

UNITED STATES OF AMERICA,  
Defendant.

ORDER

CLERK, U. S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

BY \_\_\_\_\_ DEPUTY CLERK

Neither this Court, nor any branch of this Government, will consider the merits or fallacies of a religion. Nor will the Court compare the beliefs, dogmas, and practices of a newly organized religion with those of an older, more established religion. Nor will the Court praise or condemn a religion, however excellent or fanatical or preposterous it may seem. Were the Court to do so, it would impinge upon the guarantees of the First Amendment.

In short, the Court merely finds that the plaintiff's ordination of ministers, its granting of church charters, and its issuance of Honorary Doctor of Divinity certificates are not substantial activities which do not further any religious purpose. Furthermore, the facts outlined supra reveal that the plaintiff requested, but did not require, free will offerings in performance of these activities.

IT IS THEREFORE ORDERED that the plaintiff be and is entitled to a Federal Tax exemption and to a refund of all monies levied against by the defendant with interest thereon from the date of levy, March 19, 1970.

IT IS FURTHER ORDERED that defendant's counterclaim be and is dismissed and the plaintiff is entitled to recover the reasonable costs of the suit herein.

IT IS ALSO ORDERED that the plaintiff submit an appropriate judgment in accordance herewith.

Done and dated this 27th day of February, 1974.

James F. Battin  
United States District Judge



UNITED STATES COURT OF APPEALS  
FOR THE FIRST CIRCUIT

B3B

St. Rev. Dr. Edward Wayland

against

No. 82-1306

106

Internal Revenue Service et al

ADMITTED, ADMITTED/AVERRED AS TRUE

PRIMA FACIE EVIDENCE

MEMORANDUM

CIVIL and RELIGIOUS LIBERTIES

From a suggestion by Rev. Cunningham it becomes apparent that Civil and Religious Liberties can not be lumped together. Without Religious Liberties there can not be Civil Liberties. And, without Property Rights there can be neither.

RELIGIOUS Liberties are the foundation of all Rights. For, without Religious Liberties there can be no Property Rights. All three are so intertwined as to become the age-old question: "which came first, the chicken or the egg?" And yet, each is a separate entity. The chicken is not the egg; nor the egg the chicken. And, is it possible to have chickens without eggs?

The FOUNDERS were quite concerned about ALL the rights of the FREEMAN, and, with bowed knees, brought up a Constitution that guaranteed Civil Rights, Property Rights, and, most important Religious Rights. It is self-evident that the Constitution, next to the Bible, is the most remarkable instrument devised for the governing of man by man...with GOD's help, of course.

But, how did the Constitution get that way?

In the early days, by Shipboard Covenant, 1636, the new nation-to-be was dedicated to GOD. And, Governor Winthrop, finding it necessary for new laws to govern the immediate plantation was instrumental in creating, via Hutchinson of Ipswich, what became, eventually, the Constitution of the Commonwealth of Massachusetts...and, together with Pennsylvania and Virginia; the Constitution of the United States of America. This was the Body of Liberties, 1641, which, in retaliation for the oppressions of the numerous succession of kings, instituted FREEMAN, Allodial Freehold of property (all property)(absolute ownership), Jury Trial, Due Process of Law, the remarkable concept that a man was INNOCENT until proven guilty, and many, many other Rights under GOD's Law of Liberty and Justice. Yet, none of these was new. Each and every one was first Written in the Old and New Testaments.

The Body of Liberties, 1641, is the Magna Carta of the New World.

The Body of Liberties remains the First Declaration of Independence. Therein, though largely overlooked was the declaration of Religious Liberties. Where, formerly, the king passed, as Theological Judgment, many of his edicts that would gag the official courts and rouse bloody civil war, the Body of Liberties bluntly separated the state from religion...but NOT religion from the state. No longer would the courts be required to ENFORCE Theological Judgments...but they must HONOR them. Yet, the Church could not be restrained from guiding, assisting, advising the state. In truth, there was no SEPARATION as such; merely restrained and prohibited the state from control or interference of the Church.

Freed of the state, the Church was then enabled to turn its full power loose and mold a nation the likes of which has never before been seen on the earth.

What happened to that tremendous power? Crowding of the continent? No. Satiation and apathy? No. To understand fully and completely, it would be necessary to go into the history of the Babylon Conspiracy, its numerous names and faces...a Conspiracy inspired and promoted..not by any particular race or ethic but by the Arch-enemy of mankind: satan and his cohorts. There is no room for that here.

The true source of the Revolution of 200+ years ago, was not the various acts of despotic kings. It was more primary and fundamental...yet, is most difficult to trace because it has been completely censored, though not obliterated. When the bankers of England approached George III for the rights to furnish the colonies with paper-money...the stage was set, the rest is mere cosmetic: the symptom, not the disease.

Through paper-money, the bankers could force upon the colonies paper issuing from their presses; and yet, demanded from the colonies gold, silver, and other properties in payment for goods. It was the more educated that recognized the system of plunder, and roused the nation against the legalized thieves.

At first, the colonies petitioned the king in reconciliatory manner, with suggestion of compromise. With no effect. The bankers were not willing to slake their greed and avarice. What happened in the colonies has happened wherever paper-money flourished: the roaring inflation (robbery) of the French assignat, the German Mark, the Revolutionary Continental, and many, many other nations...including the Roman Empire (which, instead of paper, diluted their coinage system into a system of "bus-tokens").

The Revolution was fought and won, not by the "rabble", but by serious, intelligent, and alarmed men, women and children, fighting hard for liberties that were being eroded.

For, one of the greatest of all property rights is the Right to have a money of VALUE.

In desperation, the Founders issued July 4, 1776 the

Declaration of Independence was fired-at the king; and united all the peoples in alarm against the encroaching tyrannies of the king and his bankers.

We hold these truths to be self-evident, that ALL MEN ARE CREATED EQUAL, THAT THEY ARE ENDOWED BY THEIR CREATOR WITH CERTAIN UNALIENABLE RIGHTS, that among these are LIFE, LIBERTY AND THE PURSUIT OF HAPPINESS.

That to secure these rights, Governments are INSTITUTED among Men, deriving their JUST powers from the CONSENT OF THE GOVERNED.

Here was established the principle and doctrine (amplified in the Preamble and Amendments 9,10) that governments are FOR the benefit of those that are governed...and not chickens to be plucked by every whim and fancy of all-powerful tyrannies. That government was to remain the SERVANT of the people.

This was carried further in the Articles of Confederation, November 15, 1777:

Article 2. EACH STATE RETAINS ITS SOVEREIGNTY, FREEDOM AND INDEPENDENCE, AND EVERY POWER, JURISDICTION AND RIGHT, WHICH IS NOT BY THIS CONFEDERATION EXPRESSLY DELEGATED TO THE UNITED STATES, IN CONGRESS ASSEMBLED.

Article 3. ...FOR THEIR COMMON DEFENCE, THE SECURITY OF THEIR LIBERTIES....TO ASSIST EACH OTHER, AGAINST ALL FORCE OFFERED TO, OR ATTACKS MADE UP THEM, OR ANY OF THEM,

ON ACCOUNT OF RELIGION, SOVEREIGNTY, TRADE, OR ANY OTHER PRETENCE WHATEVER.

Article 4. The better to secure and perpetuate mutual friendships and intercourse among the people of the different states in the Union,

THE FREE INHABITANTS (affirms FREEMAN of Body of Liberties) of each of these states...SHALL BE ENTITLED TO ALL PRIVILEGES AND IMMUNITIES OF FREE CITIZENS IN THE SEVERAL STATES;..

Article 5. (Congress shall have no immunities except during session, in Congress) EXCEPT FOR TREASON, FELONY OR BREACH OF THE PEACE.

It is important to note that violations of the Constitution constitute more than violation of Civil Rights, which is a mild misnomer for a serious crime. Violations are TREASON, FELONY, and government-ANARCHY, FOR the Constitution is CONTRACT between the government as servant, and the Citizen as Sovereign, master, in all Immunities....and where can the citizen go for redress? To the government? Only a jury "of the country" can break free of the government-influence. When was the last Common Law Jury Trial PER PAIS PEERS held? Before, or after the Civil War?

Actually, the Civil War was the turning point, the break from the past of FREEMAN and FREEDOM concept and doctrine of the Body of Liberties.

In the meantime, the doctrine of FREEMAN as Sovereign was



repeatedly affirmed in thought, deed and document

The Northwest Ordinance of 1787 mandated  
in Sec.9...FREE MALE INHABITANTS...

Sec.13. And for EXTENDING THE FUNDAMENTAL PRINCIPLES OF  
CIVIL  
AND  
RELIGIOUS

LIBERTY, WHICH FORM THE BASIS WHEREON THESE REPUBLICS, THEIR  
LAWS AND CONSTITUTIONS ARE ERECTED: TO FIX AND ESTABLISH THOSE  
PRINCIPLES AS THE BASIS OF ALL LAWS. CONSTITUTIONS, AND GOVERN-  
MENTS, WHICH FOREVER HEREAFTER SHALL BE FORMED IN THE SAID TERRITORY;

Article 1. No person, demeaning himself in a peaceable and orderly  
manner, SHALL EVER BE MOLESTED ON ACCOUNT OF HIS MODE OF  
WORSHIP,  
OR RELIGIOUS SENTIMENTS,

in the said territories.

Article 2. ..Entitled to the benefits of the Writs of HABEAS  
CORPUS, and of the TRIAL BY JURY....AND OF JUDICIAL PROCEEDINGS  
ACCORDING TO THE COURSE OF THE COMMON LAW.....

NO MAN SHALL BE DEPRIVED OF HIS LIBERTY OR PROPERTY, BUT BY THE  
JUDGMENT OF HIS PEERS.....FULL COMPENSATION SHALL BE PAID FOR THE  
SAME....

IT IS UNDERSTOOD AND DECLARED THAT NO LAW OUGHT EVER TO BE  
MADE OR HAVE FORCE IN THE SAID TERRITORY, THAT SHALL IN ANY MANNER  
WHATEVER INTERFERE WITH OR EFFECT PRIVATE CONTRACTS, OR ENGAGEMENTS.  
(This affirms religious covenant with GOD; and further establishes  
Freedom of Religion).

Article 3. RELIGION, MORALITY, AND KNOWLEDGE  
being necessary to good government and the happiness of mankind,  
schools and the means of education SHALL FOREVER BE ENCOURAGED....  
LAWS FOUNDED IN JUSTICE AND HUMANITY shall, from time to time, be  
made, for preventing wrongs being done to them....

(which affirms the Right-to-Redress-of-Grievances)

Article 4. Establishes taxation, which has been betrayed by the  
illegal, unlawful, unConstitutional Amendment 16 and its subsequent  
quicksand, Amend.17-Senate, Statutory interpretations.

Of course, it is an established fact that whenever government  
becomes involved in anything but governing, it creates mess and  
scandal. This is not the result of incompetence, it is deliberate  
for, nothing happens in politics by accident. Therefore it is  
not accident, it is INTENT. Thus, when government went into business  
and sponsored the biggest business-welfare program the world has  
ever seen..thousands of percent greater than to the indigents and  
the paupers.

Now, government, by fiat and "legislation" has entered the  
field of morals, morality, and people-control (the exclusive func-  
tion of the Church), and thereby ESTABLISHED the false religion  
of HUMANISM.



The New Nation started off in a blaze of GLORY, and in the Righteous path of GOD.

What happened?

The turning point was the Civil War. But in order to understand what and why the changes happened, it becomes necessary to determine WHY the Constitution happened.

The Sovereign King, under the doctrine of DIVINE RIGHT OF KINGS, was most jealous of his prerogatives. Through Theological Judgment and Seditious Libel he ruled with an Iron-most frequently bloodstained-Fist; and he lived by awe and reverence of his subjects in violation of GOD's directive that GOD is not a respecter of persons...and thus, none of HIS Children can give awe and reverence to any MAN.

(Today, the government has the doctrine of government Sovereign Immunity, the modern DIVINE RIGHT OF KINGS, the modern rule by fiat).

In order to control the nation...and yet give it a "semblance" of freedom, it becomes necessary to control the military, the judiciary, the brain-washing of the people, and by the abominable King's verdicts as Theological Judgment...the word of the king, not that of GOD.

#### THE HUE AND CRY

One of the greatest means of inspiring fear and terror was by means of the Hue-and-Cry. In actual, or suspected acts of criminality, the populace was commanded into giving chase of any suspected culprit. Those who refused...were punished severely. Those who failed to catch the culprit...were punished severely for conspiring with the felon. Thus, very few times the Hue-and-Cry returned empty-handed, for the punishment was sure, certain, and most horrible.

The Hue-and-Cry was the forerunner of the posse. However, in the posse, the certain punishment for failure was eliminated.

#### THE JURY

As a general rule, when a suspect was "charged", he did not get a fair trial..nor any trial..for, who would dare to go against the warrant of the king, or the king's signature!!

And, those that got a jury trial, were in no better position. If the judge went against the will of the king, he often ended up in the Tower of London. The jury itself was locked up without food or water until the verdict was reached. If the king disagreed, the jury was sent back for further deliberation..as many times as was required. If they were obstinate, then each, over a period of time, not immediately, was punished most severely and drastically.

#### THE LAWYERS

Of course, the culprit was entitled to the services of the lawyers. Here again another problem arose. If the lawyer filed any pleadings and his client was found guilty..invariably..then the lawyer was ALSO punished!

If the lawyer filed no pleadings, his client was automatically found guilty. But the lawyer was not punished. Thus, very few lawyers dared to file pleadings.

Of course, the accused was innocent until found guilty...but how could he prove his innocence..and who would dare to go against the king.

#### SEDITIONOUS LIBEL

The most abominable practice of all was the charge of Seditious Libel...for ANY offence, real or fancied, or imaginary or mere suspicion of being disloyal to the king or the king's interests. The most innocent remark, letter, or publication could be misinterpreted against those the king considered to be his enemies or a danger/threat to him. Proof was not necessary. The charge was sufficient, and any who attempted to defend, could, of course, be charged with Seditious Libel..for daring to challenge the word of the King..or the king's signature.

And, under seditious libel, the king could rule ex post facto...making crimes out of innocent remarks and actions...of years prior.

The hangman was a profitable enterprise.

That was the source of the rebellion and revolution, both in Civil Wars in England and in the Colonies.

Out of it was built a Constitution that gathered the states together into a strong Union.

But not for long.

The Civil War destroyed MORE than it saved.

After 40-50 years of service, a retired psychiatrist (who refused to be quoted) summed up all the troubles and problems he had encountered in one word "GREED".

After the Civil War, "GREED" got hold of the nation to an extent unbelievable.

The first to be attacked was the doctrine of Sovereign Citizen Sovereign Immunity (Preamble; Amend. 9, 10, Dec. Indep.) wherein, as an individual in a REPUBLIC, his expressed permission/consent was his sacred right.

The next was the revival of the Hue-and-Cry where every man's hand was turned against his neighbor, and suspicion was rampant. This was accomplished easily with charge of accessory, accomplice, collusion, conspiracy...and a host of other denials of sovereignty. A case in point would be to listen-in on the threats of and by a police interrogation.

The next was to subdue the lawyers even further. By rules he was BOUND TO the Court, and beholden to the court for a living. The threat of disbarment hanging over the head of the cringing' lawyer betrayed even the Access-to-Justice in the courtroom before the Hitlers and would-be-Hitlers on the bench.

To further this destruction of the lawyer, Harvard ceased to

teach law about 1926 (approx 13 years after the passage of the Federal Reserve Act of 1913) and taught a modified version of EQUITY...which was misnamed "law". The other colleges and universities quickly followed suit; so that in 60-70 years the education in LAW had almost totally ceased.

Thus, with the destruction of Right to Privacy, Sovereignty, and Access-to-Justice, the destruction accelerated, not in a straight-line graph, but more logarithmic...and in each new destruction, the old DIVINE RIGHT OF KINGS was resurrected, and each new destruction was renamed so as not to revive the memory of the true horrors prevalent and inherent.

The JURY tampering was slow and quiet at first. But "judges" and politicians were not to be deterred. At one time jury trials were heard in the U.S. Supreme Court in deference to the Sovereignty of the Citizen. Then, slowly, more and more restrictions were applied...so that only those qualified could get a jury trial...and could, if they wished, waive jury trial. If they did not, their punishment would, of course, be most severe for challenging the judge (king and king's signature).

Then, taking away the right to determine the law, the jury was converted into a rubber-stamp for the judge, and TRIAL BY THE COUNTRY CEASED. Thus, the victim of government oppression had to go to the government for redress. How absurd to even consider that justice would be done. Thus, the Citizen lost control of the laws and of his country.

The problem of resurrecting SEDITIOUS LIBEL, under new names, of course, slowed the destroyers down for approximately eleven seconds, if that much.

First of all, it became necessary to flood the nation with laws, laws, laws, so many that the people would be in terror, and look at their neighbors with fear and suspicion. In Norway, ALL the laws of the nation are printed in one small book that can be carried in the pocket; and it is forbidden to legislate laws that would increase the size of the book. But walk into the law library in this nation!

Then, by depressing the quality of the jurors, and increasing the quantity of the laws (which violated Citizen Sovereignty) the citizen became accustomed to "making-deals" with those accusing him. In short order, the victim was guilty until proven innocent.

This process was hastened, aided and abetted by a controlled press that forgot that when ONE man was oppressed, the ENTIRE nation was oppressed. Freedom of the press was relegated to the cash register. Who could pay got freedom. Thus, by smear, innuendo the public was gradually eased into the doctrine of SEDITIOUS LIBEL...without the name, of course.

But, the true destruction of the nation (exact date uncertain.. in the future(?), i.e.) can be laid directly to the doorstep of the introduction, rather, the re-introduction of paper-money in place of VALUE. Lincoln gave the greenbacks a go. Roosevelt, Kennedy, or Johnson completed the process. When Nixon attempted to

bring back gold and silver...he was Watergated. This is not to say he was not guilty of wrongdoing, but that he had bit the hand of those who had put him in power.

The true value of the federal reserve note can be determined, not by inflationary prices, but in relation to the \$15.00 ounce of gold before the money merchant-bankers got going as compared to the alleged price of 3-4-500, or whatever. An example: gold selling for, roughly, 360.00 per ounce..compared to \$15.00/oz = 24:1, which translates to One federal reserve note, TODAY, is approximately 1.17 cents in value. So that, in true value, the values have been depressed BELOW the levels extant during the Depression of the 1930s...which is PROVEN to have been engineered by the Federal Reserve System.

Is it necessary to say more?

The greatest enemies of the people are those they have, in good faith, elected to represent and to govern them.

However, the Sovereign Citizen Sovereign Immunity still has left to him the RIGHT to disclaim jurisdiction/authority of these rogues and scoundrels, to declare them OUTLAW; and to REVOKE his consent to be governed by them.

But time is late. It is a question as to whether the Citizen will regain his Country first...or slide into Armageddon.

pro se  
forma pauperis  
Sovereign Citizen;Preamble A.9,10  
Sovereign Immunity; " " "  
Affidavit//Theological Judgment

ST. RE. WAYLAND  
P. O. BOX 283  
HAVERHILL, MA 01830



UNITED STATES COURT OF APPEALS  
FOR THE FIRST CIRCUIT

Rt. Rev. Dr. Edward Wayland

against

Internal Revenue Service et al

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No. 82-1306

114

ADMITTED, ADMITTED/AVERRED AS TRUE

PRIMA FACIE EVIDENCE

MEMORANDUM

Admitted, Admitted/Averred as TRUE  
Therefore..Prima Facie Evidence

Comes now the Plaintiff, Rt. Rev. Dr. Edward Wayland, as Sovereign Citizen Sovereign Immunity; as Minister thereby in Affidavit// Theological Judgment in support of all prior pleadings, with exhibits attached. It is long-established, res judicata, that whatever is not denied completely, nor answered, is admitted, admitted/averred as true.

That where the courts, and assorted litigants, have chosen to ignore this long-established fact-of-law, Plaintiff can assume only that (a) the court lacks knowledge of this fundamental point, (b) is in collusion-conspiracy to deny and to deprive of Constitutional Rights, Justice, Access-to-Justice, etc. This Memorandum is on the basis of (a) above.

I.

Federal Rules Civil Procedure Rule 7 specifically states

(a) "There shall be a complaint and an answer:-"

(c) "Demurrers, pleas and exceptions for insufficiency of a pleading shall not be used."

Rule 12(b)(6) motions to dismiss..and the others therein are demurrers; and openly claiming "insufficiencies", etc.

F.R.C.P. Rule 8 clearly states:

(b) "A party shall state in short and plain terms his defenses to each claim asserted and shall admit or deny the averments upon which the adverse party relies"  
"Denials shall fairly meet the substance of the averment denied"

(d) "Averments in a pleading to which a responsive pleading is required,...are admitted when not denied in the responsive pleading." (Federal Rules Decisions R.12(b)(6) state that such motion is admitted/averred as TRUE the adverse party claims which are usually facts..and the law based grievance).

(f) "All pleadings shall be so construed as to do substantial justice." (Motion to dismiss is bare-faced injustice).

F.R.C.P. Rule 11 clearly establishes bad-faith:

"If a pleading is not signed or is signed with intent to

defeat the purpose of this rule, it may be stricken as sham and false and the action may proceed as though the pleading had not been served."

F.R.C.P. Rule 12 clearly violates Rules 7,8, Amendment 1,9,10, the mandate of Article 6 that ALL federal employees, officials, etc. MUST uphold the Constitution as Supreme Law; and violates the Sovereignty and Sovereign Immunity of the Citizen as affirmed by the Preamble, Amend. 9,10:

- (a) A defendant shall serve his answer within 20 days after the service of the summons and complaint upon him,--"
- (b) Motions to dismiss..are all demurrer and "insufficiencies" of one kind or another. Such a motion is a legalism, not the law; and has NO weight relative to Constitutional Demands. It may be a convenience to judges jealous of their prerogatives: particularly in troublesome & sensitive areas. However, the Preamble and Art.6 mandates deny such rights to servant government. Violations are violations of Constitutional Rights..at which point, the court..OK WHATEVER OTHER BRANCH OF GOVERNMENT IS INVOLVED..loses all jurisdiction/authority of the case AND the Sovereign Citizen Sovereign Immunity.

F.R.C.P. Rule 35 states even more clearly and more bluntly:

- (a) "The right of trial by jury as declared by the Seventh Amendment to the Constitution or as given by a statute of the United States shall be preserved to the parties in-violate."

However, the statute cannot supersede nor amend the provisions of the Seventh Amendment; only in possible areas (which the Plaintiff cannot visualize) that are not covered by the Seventh.

F.R.C.P. Rule 55:

- (a) "When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend as provided by these rules and that fact is made to appear by affidavit or otherwise, the clerk shall enter his default"
- (b) "Judgment by default may be entered as follows:
  - (1) By the Clerk--
  - (2) By the Court--"

However, in a "BILL OF COMPLAINT", an answer is required; and in ALL Complaints by the Sovereign Citizen Sovereign Immunity, wherein the government is one of the litigants an answer is required on the grounds that grievance is against oppressive government practices; degree of oppression being irrelevant and immaterial.

By filing "Motion to Dismiss", the litigant has failed to answer, is in default, and has Admitted/Averred the Complaint and Pleadings are TRUE. And, remain TRUE regardless of what the Court does or does not do.

Amendment 1 bluntly states that the Sovereign Citizen has the absolute right to petition the government for redress of grievances. A motion-to-dismiss is not redress. And it is NOT an answer. Thus, failing to answer: has admitted, admitted/averred as TRUE.

Amendments 9,10 bring in the Common Law..based upon the Old and New Testaments, via the Magna Carta etc., and not upon the king's self-serving courts. Under the Common Law there are but two categories of litigation: Private-Wrong (Civil) in litigation between citizens; and Public-Wrong (Criminal) whenever government is one of the litigants. Thus, regardless of the title and "type" of litigation, when government is involved, all Procedural Safeguard apply. The MOST important of these being: Jury Trial...Burden-of-Proof upon the government, Due Process, Equal Protection, Privileges and Immunities, FAIR trial before unbiased judge, etc.etc.etc.

Thus, not only does the government have the requirement of an ANSWER...but the Burden-of-Proof is upon government and NOT upon the Sovereign Citizen Sovereign Immunity.

This is further emphasized by the Common Law Jury Trial per pais peers who have the duty to determine the facts and the law.

So, not only must the government ANSWER, and PROVE, but it must do so before a jury "of-the-country". Failure at any point constitutes: Admitted, Admitted/Averred as TRUE.

For, the Preamble, Amends.9,10, establish that the government is under Contract, as Servant, to the Sovereign Citizen as master. And, when that Sovereign Citizen DEMANDS Answer, failure to answer constitutes admission by the government.

Every day, in many, many courts unanswered demands are presented to the courts as prima-facie-evidence under the local rules, the common law, etc.; and they are acted on as prima-facie-evidence. For: that which is not completely denied nor answered is admitted, admitted/averred as TRUE...and becomes prima-facie-evidence, res judicata.

III.

Amendment 1 ESTABLISHMENT, and FREE EXERCISE clauses, coupled or not with Common Law Amend.9,10 establish that Religious Rights are separate and distinct from allegedly civil rights. It is established in Scripture that the word of the Minister is equivalent to 2-3, or more, witnesses and needs no further corroboration. Such establishes that the word of the Minister is Affidavit; and, as Affidavit, is of greater weight than a signature-of-merit. However, the Body of Liberties, 1641, establishes that such affidavit of the Minister is Theological Judgment. And, as Theological Judgment must be honored in the courts. Dishonor of the Christian Theological Judgment, is, of course, damnation. It is so Written.

Jesus Christ did not appear to win Popularity Contests. HE came with Mandate. This Mandate is presented to this court by HIS Minister, Rt.Rev.Dr.Edward Wayland

It is Written that Pontius Pilate committed suicide rather than face the horrible sentence passed upon him for his part in the Crucifixion. For NO man can wash-his-hands clean of GOD. None.

Thus, as the word of the Minister, this Memorandum is Affidavit and Theological Judgment, which must be upheld and honored in the courts. Having REFUSED to Answer, Defendant has Admitted, Admitted/Averred as TRUE..in all their intensity and horrors..all the Plaintiff's grievances and charges both in instant and prior cases.

Most people are uneasy in the courtroom. They have the feeling of intense, concentrated Evil...but, being brainwashed, are mistakenly apprehensive of a feeling, an aura of AWE. Evil is evil. Awe is approach to holiness. There is none here.

To deny that all the facts and the law are admitted, admitted/averred as TRUE is to enter into conspiracy/collusion to deny and deprive. Under Common Law, Theological Law that which is not denied/answered completely is admitted, admitted/averred as TRUE.

IV.

Once Admitted, Admitted/averred as TRUE, such admissions remain TRUE for all time, regardless of what any judge will do. For, there is no such thing as temporary Truth. The finding of a judge is, of course, limited only to the litigants participant..i.e. binding only if no Constitutional Rights were violated in the process; and only by a proper judge. Otherwise the case remains in limbo, with all facts and law Admitted, Admitted/Averred as TRUE.

Most judges admit that a LIE is generally 90% truth. The other 10% being most troublesome. However, under Scripture, if the content was 99.9% truth, GOD would consider it as filthy rags and as a TOTAL lie.

Thus, not only does the motion-to-dismiss Admit, Admit/Aver as TRUE; but, also, in violating even the slightest (if there is such a thing) Constitutional Right, the Motion-to-Dismis, under God's Law of Liberty & Justice is a TOTAL LIE.

Where the Court is required to determine the TRUTH, it is required, under F.R.C.P. Rule 11 to Strike the Motion-to-Dismis as a LIE, and to Default Defendant on the grounds of failure-to-answer as required.

And, that which is Admitted, Admitted/Averred as TRUE, can, of course, be used as prima facie evidence by anybody in any court of the land at any time thereafter. It is Written.

V.

Just what has the Defendant Admitted, Admitted/Averred as TRUE? Below is but a partial list (what is not listed is not waived by omission):

1. Entire Complaint, instant and prior, of Plaintiff, Rt.Rev.Dr. Edward Wayland; and all pleading.
2. That TWENTY-DAY Summons is valid and binding.



3. That Defendant IS in default.
4. That the U.S. Attorney is illegal, unlawful, unconstitutional (under defective Amend. 17-Senate) and has no rights to enter any pleading or appearances in federal court. This was admitted both orally in court, and in having admitted, admitted/averred as TRUE.
5. The I.R.S. is illegal, unlawful, unconstitutional.
6. The Dept. Justice is illegal, unlawful, unconstitutional.
7. The Dept. Treasury is illegal, unlawful, unconstitutional.
8. That where the Federal Reserve Act of 1913 amends the Constitution by "statute" it is illegal, unlawful, unconstitutional.
9. The Attorney General is illegal, unlawful, unconstitutional.
10. The Commissioner Internal Revenue is illegal, unlawful, unconstitutional.
11. That such actions taken without jurisdiction/authority are perjury, felony, treason, anarchy, and outlaw.
12. That the United States does NOT have Sovereign Immunity. (Defaulted under Common Law Burden-of-Proof, etc.)
13. That the various statutes by-the-servant in order to protect-the-servant are illegal, unlawful, unconstitutional.
14. Collusion/Conspiracy to deny and deprive of Constitutional Rights.
15. Admitted to Contempt-of-Court and Contempt-of-Constitution.
16. Admitted to Felony.
17. Admitted to Fraud, and to filing fraudulent documents in public places.
18. Admitted to violations of the Constitution and FAILURE TO PROTECT the Sovereign Citizen Sovereign Immunity.  
etc.etc.etc.

VI.

The Attached Exhibits A-E are but a partial list of what the U.S. Attorney has Admitted, Admitted/Averred as TRUE. They are enough to establish Fraud and Felony on the part of the Defendant, and Oppressive Government Practices. Each of the Exhibits is, thereby, Prima Facie Evidence, and cannot now be questioned, answered nor denied; for, not only are they Prima Facie Evidence, but also Affidavit of Minister...and thus, Theological Judgment.

It is written that as it was in the days of Noah, so shall it be before Jesus Christ Returns. When will HE return? We are not to know the exact day or the hour; but we are to know the signs. Ezekiel, Daniel, Revelation have spelled out prophecies that are daily, hourly, being fulfilled. Is this the End-Times? Rt. Rev. Dr. Edward Wayland believes it is. This court has been rebuked and has refused to repent. The Plaintiff is not required to harangue and to prove.

He has presented his case, has presented for the court's attention the provisions of Admitted, Admitted/Averred as TRUE.

Defendant has failed to answer, refused to answer..and has fallen back upon bad-faith legalisms..because there is NO WAY that Defendant can answer the charges, complaints and grievances. This

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establishes that Defendant has Admitted, Admitted/Averred as TRUE everything Plaintiff, Rt.Rev.Dr.Edward Wayland has charged; and that includes total loss of jurisdiction/authority past, present and future.

pro se  
forma pauperis  
Sovereign Citizen;Preamble.A.9,10  
Sovereign immunity; " " " "  
Affidavit//Theological Judgment

Rt. Rev. Dr. Edward Wayland  
P. O. BOX 283  
HAVERHILL, MA 01830

CERTIFICATE OF SERVICE

This is to certify that service of the foregoing has been made this 24th day of July 1982 upon Defendant by depositing a copy thereof in the United States mail postage prepaid addressed to

William F. Reid  
U.S. Atty Office  
McCormack Bldg. 30  
Boston, Mass. 02109

pro se  
forma pauperis  
Sovereign Citizen;Preamble.A.9,10  
Sovereign immunity; " " " "  
Affidavit//Theological Judgment

SOVEREIGN CITIZEN SOVEREIGN IMMUNITY DEMAND MEMO DE VACATED  
CIVIL AND RELIGIOUS LIBERTIES  
ADMITTED, ADMITTED/AVERRED AS TRUE: Prima Facie Evidence

RT. REV. EDWARD WAYLAND  
P. O. BOX 283  
HAVERHILL, MA 01830

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

3D

Rt. Rev. Dr. Edward Wayland

against

CIVIL No. 81-2155-G

Internal Revenue Service et al

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ADMITTED, ADMITTED/AVERRED AS TRUE

EXCEPTION

PRIMA FACIE EVIDENCE

and

PLAINTIFF'S CHARGE OF (a) CONTEMPT OF COURT

(b) CONTEMPT OF U.S. CONSTITUTION

Comes now the Plaintiff, Rt. Rev. Dr. Edward Wayland, and herein files EXCEPTION to DEMAND overruled by Garrity J., dated 1/13/82; received 1/16/82; and CHARGE OF CONTEMPT OF COURT: CONTEMPT OF U.S. CONSTITUTION.

1. Charge has been made that neither Magistrate, nor Dept. of Justice, nor I.R.S. et al has jurisdiction nor authority; and all are illegal, unlawful, unconstitutional under defective Amend. 17-Senate; and that such order "Recommendation" as filed by Magistrate VIOLATES Guaranteed and Mandated Constitutional Rights: Art. 3, 4, 6, Amend. 1, 4, 5, 6, 7, 8, 9, 10, 13; Jury Trial; Due Process (Body of Liberties, Ch. 1; Comm. Mass. Magna Carta), etc.

That when a Court violates Constitutional Rights of the litigant (18 U.S.C. 3.241) it loses jurisdiction and authority of the case (Art 6:3) (AmJur2d Constitutional Law, Jurisdiction, Courts, Jury, Taxpayer Actions). and its findings are null-and-void as though they had never been made.

2. That the charges must be answered; or be admitted/averred as TRUE. They are admitted/averred; and can NOT be overruled.

3. Article 6(3) mandates that the Court, Dept. Justice, IRS et al uphold the Constitution of the U.S. as the SUPREME LAW. Failure to do so is Felony, Anarchy, Outlaw; Subornation-of- and Accessory-to- as being Contempt-of-the-Constitution-of-the-United-States; and Contempt-of-Court.

4. The Important ingredient of crime is INTENT. Pleadings filed by illegal, unlawful, unconstitutional Dept. Justice & IRS et al establish INTENT to deny and to deprive of Constitutional Rights, Common Law, etc.

5. That when a charge of WANT of jurisdiction is made...proceedings come to a screeching HALT until jurisdiction is established. The charge has been made against Dept. Justice and IRS et al, who have admitted/averred as TRUE all the charges, pleadings; and thus, the "Recommendation" denies Justice and Access-to-Justice. In which case Article X Const. Comm. Mass. applies; and on that basis alone, Court MUST find for the Plaintiff, Rt. Rev. Dr. Edward Wayland.

And that where a charge has been made, it cannot be overruled, mooted, nor gentleman-s-agreed-away. It MUST BE ANSWERED. and it has NOT been.

p. That Garrity j, has been challenged, requested to remove himself from instant case; and has refused to do so. Thus, any order, ruling, by said Garrity j violates the Constitutional provisions of fair trial before unbiased judge, etc. and are null-and-void.

p. That the Preamble, Amends. 9,10, establish the Plaintiff, Rt.Rev.Dr.Edward Wayland as FREEMAN, unenfranchised, and Sovereign in Contract with the U.S. (U.S.Const., 3rd-party non-signer); and that such Recommendation, in addition, violates Amend. 1 Mandate against both ESTABLISHMENT and FREE EXERCISE (religion) clauses.

Whosoever steals from the Children-of-God steals from God; Accessories included.

And whosoever steals from God is eternally damned.

*Wm Rev Dr Edward Wayland* *pro se*  
for a pauperis

Sovereign Citizen; Preamble.A.9,1

RT. REV. EDWARD WAYLAND

P. O. BOX 1008  
LOWELL, MASS. 01853

CERTIFICATE OF SERVICE

This is to certify that service of the foregoing EXCEPTION AND..... has been made this 19th day of January, 1962 upon Defendants by depositing a copy thereof in the United States mail postage prepaid addressed to

William F Weld  
U.S. Atty office  
McCormack P.O. & Courthouse  
Boston, Mass 02109 1

*Wm Rev Dr Edward Wayland* *pro se*  
for a pauperis

Sovereign Citizen; Preamble.A.9,10

RT. REV. EDWARD WAYLAND

P. O. BOX 1008  
LOWELL, MASS. 01853



UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

3E

Rt.Rev.Dr.Edward Wayland

against

CIVIL No. 81-2155-G

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Internal Revenue Service et al

ADMITTED, ADMITTED/AVERRED AS TRUE

PRIMA FACIE EVIDENCE

NOTICE OF FELONY

Comes now the Plaintiff, Rt.Rev.Dr.Edward Wayland, as required by 5 U.S.C. and 18 U.S.C. sect.4 with personal knowledge of Felony, including sect.3: accessory.

If two or more persons conspire to injure, oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same....shall be fined not more than \$5000 or imprisoned not more than ten years, or both.

18 U.S.C. 241; 62 Stat. 696

That where the Department of Justice, the Internal Revenue Service, and Defendants herein have conspired to injure, oppress, threaten, and intimidate Plaintiff, Rt.Rev.Dr.Edward Wayland, in seizing by FRAUD, without JURISDICTION or AUTHORITY; denying and depriving of Constitutional Rights: Jury Trial, Due Process, Procedural Safeguards, etc.etc.etc., denying Justice and Access-to-Justice.

That the only legitimate function of government is to protect the Sovereign Citizen; and the only legitimate function of the judiciary is to protect the Sovereign Citizen from oppressive government practices: which has not been done (as above).

That where the U.S.Attorney General was notified 11/3/81, Cert.#8595388, and refused to take Constitutional, or any other, procedures to protect the Constitutional Rights of Plaintiff, Rt.Rev.Dr.Edward Wayland, the entire Department of Justice is thus not only without Jurisdiction and Authority, but is Outlaw; and Defendants can NOT be represented by Outlaws.

SPECIAL NOTE: There are NO immunities under the Constitution, nor under any valid, self-serving quicksand statute. J.Marshall, in 1821, pulled the alleged "Sovereign Immunity" out of thin air, without foundation: "Divine Right of Kings" against which a bloody revolution had been fought. Actually, the Preamble and Amends.9,10 establish that it is the Sovereign Citizen, and not the government his servant, who has SOVEREIGN IMMUNITY...which immunities are being violated without permission, without the consent of Sovereign

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Citizen Plaintiff, Rt.Rev.Dr.Edward Wayland.

That NOTICE OF TRESPASS has been filed to stop further harassment, seizures, violations of Plaintiff's person, property, papers and effects and his Constitutional Rights. This has been totally disregarded, thus establishing not only further, but CONTINUING Felony.

In the early days when a man had a grievance he redressed it himself. During the formation of societies he gave up that right on the theory that when he was grieved the society was grieved and the society redressed it for him. When that society refuses to redress his grievance, it has given back to the man the right to redress it himself; and that society has lost any and all claims upon that man; for that society has ceased to be a government and has become a self-serving Anarchy.

Whosoever (including Accessories) steals from the Children-of-God steals from God.

Whosoever steals from God is eternally damned.

*Rt Rev. Dr. Edward Wayland* pro se  
for a pauperis  
Sovereign Citizen; Preamble.A.9,1

RT. REV. EDWARD WAYLAND  
P. O. BOX 1122  
LOWELL, MASS. 01851

CERTIFICATE OF SERVICE

This is to certify that service of the foregoing NOTICE OF FELONY has been served upon Defendants this 2<sup>nd</sup> day of January, 1982 by depositing a copy thereof in the United States mail postage prepaid addressed to

*Rt Rev. Dr. Edward Wayland* pro se  
for a pauperis  
Sovereign Citizen; Preamble.A.9,1

RT. REV. EDWARD WAYLAND  
P. O. BOX 1122  
LOWELL, MASS. 01851

Bransberg v Hays 408 US 665 (1972) Douglas J.

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

Rt. Rev. Dr. Edward Wayland

against

Internal Revenue Service et al

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CIVIL No. 61-2155-G

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ADMITTED, ADMITTED/AVERRED AS TRUE

PRIMA FACIE EVIDENCE

COMMON LAW AFFIDAVIT and MEMORANDUM  
IN SUPPORT OF PLAINTIFF'S COMPLAINT & PLEADINGS

Comes now the Plaintiff, Rt. Rev. Dr. Edward Wayland, as Sovereign Citizen, FREEMAN (unenfranchised) and Master (Preamble; Amends. 9, 10) in Contract (U.S. Constitution) with the government of the U.S. and herein deposes and says:

1. Each United States citizen must support and defend the Constitution against all enemies of the Constitution; both foreign and domestic. And that no Christian is required to uphold evil laws, government, etc. (Nuremberg; God's Law of Liberty & Justice).
2. Every United States employee is bound by the provisions of 5 U.S.C. 3331 (statutory); and Article 6 s.3 (U.S. Const.)
3. Every state judicial, executive, legislative employee is subject to the provisions of 4 U.S.C. 101; and Article 6 s.3 (U.S. Const.)
4. Article 5, U.S. Const., must be supported to the same extent as all other mandates of the U.S. Constitution.
5. The House-of-Representatives failed to uphold the mandate of Article 5, U.S.C., on May 13, 1912. CONGRESSIONAL RECORD: HOUSE pgs 6367, 6368, 6369.
6. On May 13, 1912, the House-of-Representatives contained at least 392 members. (some from illegal "states")
7. 238 members of the House-of-Representatives voted in the affirmative on the Resolution to change the method of electing Senators.
8. However: Two-Thirds of 392 is 261.07
9. The vote to approve the Resolution for changing the method of electing Senators violated the mandate as set out in Article 5, U.S. Constitution.
10. Article 5, U.S.C., twice mandates the provision of two-thirds requirement of legislation: (a) Congress; and (b) action by the states.

11. Article 5, U.S.C., twice mandates the provision of three-fourth with reference to state action.
12. Article 2(2)(2), U.S.C., mandates two-thirds once as applying to those Senators present.
13. Article 1(3)(6), U.S.C., mandates two-thirds as applying to those Senators present (as in 12)
14. No such limitation on two-thirds exists in Article 5, U.S.C., or in any of the other fractions that are used in Article 5.
15. The provision and mandate of two-thirds as used in Article 1(5)(2), U.S.C., is not limited to those present.
16. Article 1(5)(3), U.S.C., defines one-fifth as being applied to those present.
17. (Two-Thirds (mandated twice) in Article 1(7)(2), U.S.C., is not defined (therefore; this usage is not limited to those present)
18. Two-Thirds (mandated twice) in Article 1(7)(3), U.S.C., as in (7)(2).
19. Article 2(1)(3), U.S.C., with exacting detail, mandates Two-Thirds of the total number of states. (i.e. legal states).
20. Article 2(1)(6), U.S.C., mandates that the President is required to defend the Constitution. This is in addition to the mandate of Article 6(3).
21. Amendment 12 sect.1, U.S.C., uses Two-Thirds of the total number of states.
22. Amendment 12 sect.2, U.S.C., defines a quorum as Two-Thirds of the total number of Senators. (a limited definition).
23. Amendment 14 sect 3, U.S.C., requires a vote of Two-Thirds of each house.
24. Amendment 14 sect.4, U.S.C., also requires a vote of Two-Thirds of both House and Senate.
25. Article 1(2)(3), U.S.C., uses the fraction "three-fifths". (as a part of the total membership of the group)
26. Article 1(3)(2), U.S.C., uses one-third of the total number of Senators. (This fact is an Absolute)
27. Article 1(5)(1), U.S.C., defines the Majority of each House as a Quorum to do Business.
- 28.A. The several state legislatures ratified the Amend. 12:
 

North Carolina	Dec. 22, 1803
Maryland	Dec. 24, 1803
Kentucky	Dec. 27, 1803
**Ohio	Dec. 5-30, 1803
Virginia	Dec. 20, 1803-Feb. 3, 1804
Pennsylvania	Jan. 5, 1804
Vermont	Jan. 30, 1804



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New York	Feb. 10, 1804
New Jersey	Feb. 22, 1804
Rhode Island	Feb. 27-Mar. 12, 1804
South Carolina	May 15, 1804
Georgia	May 19, 1804
New Hampshire	June 15, 1804
Tennessee	July 27, 1804
(see: Constitution of the U.S.A. @28, Revised and annotated, 1972, Senate, 92nd Congress 2d session, Document #92-82, U.S.Gov't Print.Office)	

B. Ohio was not a State in 1803. See Public Law 204, Ch.337, 2 Stat. 173, "approved" by Congress on August 7, 1953.

C. Thirteen States were required to ratify in order to properly validate Amendment 12.

From pg.28(supra): "If the ratification by New Hampshire be deemed ineffective, then the amendment became operative by Tennessee's ratification on July 27, 1804. On September 25, 1804, in a circular letter to the Governors of the several states, Secretary of State Madison declared the amendment ratified by three-fourths of the States."

D. Evidently Secretary of State Madison must have believed that the ratification by New Hampshire was "ineffective" because the announcement of ratification was made after the ratification by the state of Tennessee. Thus, there could be a "cloud" upon the statehood of New Hampshire, or upon one of the prior ratifying states.

E. 28.B. above makes it clear that Ohio was not a State in 1803.

F. What is the lawful status of the Amendment 12?

G. Are all later amendments defective due to the fact that said later amendments carry defective titles by virtue of the facts concerning the apparently invalid "ratification" of Amendment 12 of the U.S.Const.?

H. What effects result from the presence of Amendment 12 with respect to future legislation; executive, and judicial functions?

I. Has the significance of the Amendment 12 been such as to warrant the application of the doctrine applicable to ultra vires acts?

J. Do the facts, and speculation(?), presented herein warrant a full-scale investigation of all Amendments to the U.S.Const... starting with Amendment 12?

Sovereign Citizen, Rt.Rev.Dr.Edward Wayland, mandates: YES.

K. Evidence indicates that there are "skeletons" in-the-closet pertaining to the 14th and the 15th Amendments (in addition to the attempt by the 14th to convert the RIGHT of Citizenship into a privilege grant by government).

L. An investigation of the validity of Amendments 16 and 17 is

also in order due to the application of Public Law 204, supra. on the basis that Public Law 204 is "clouded", the effects of "Presidents from the Territory-of-Ohio, Amend.17-Senate.

M. The Ordinance of July 13, 1787, confirmed to the Constitution by Act of Congress on August 7, 1789, set a limit of a maximum of five states to be carved from said Territory (despite Virginia resolutions mandating a minimum of ten), which was established by the Ordinance of July 13, 1787. In actual fact, four states:

Michigan  
Illinois  
Indiana  
Wisconsin

(and a portion of Minnesota) were elevated to statehood. (Northwest Territory). However, Congress refused to Enable-Act Ohio in 1803, 1804, or later; thus, Ohio was NOT entitled to send Representatives, Senators, nor "presidents" to "office" in the federal government.

N. What is the affect on Amendments 16 and 17 with respect to their validity if a full consideration of the facts involved is made and applied to valid and Constitutional law?

O. In addition, resultant of Ohio-"presidents" and Amend.17-Senate, there are clouds upon the validity of numerous States besides those mentioned above, which should be settled for the good of this nation. The questionable admission of West Virginia and Texas cast doubt as to the validity of the admission of these states. Arizona, New Mexico, admitted under Taft, and Alaska and Hawaii under Amend.17-Senate raise further questions of validity of statehood...and the right to legislate in Congress.

#### CONCLUSION AT LAW

1. The United States Constitution is very specific in defining the usage and meaning to be applied to every FRACTION as stated in the United States Constitution; nor does it allow exceptions.
2. Article 1(5)(1), U.S.C., does prove that a QUORUM is required to do business in each House; but only a Majority of each house.
3. The fractions used in Article 5, U.S.C., refer to the total membership in every case, either of each House or of the States belonging to the Union of States. (any court decision to the contrary has never considered the usage of fractions within the context of the entire Constitution; nor that the federal-government is a Creature-of-the-States)
4. Apparently there has been no attempt to ascertain the correct meaning of all the fractions used in the United States Constitution in order to achieve the correct meaning to be applied to each fraction as used in the Constitution.

5. The correct application of the meaning of the fractions as used in Article 5, U.S.C., requires this Court to hold that the RESOLUTION by the House of Representatives, passed on May 13, 1912, pertaining to the changing of method for the election of Senators of the United States was, and is, VOID.

6. That under a defective Amend.17-Senate, no president has been constitutionally certified, nor could appointments to any federal office be made or certified; and that all legislation since 1914-1915, Amend.17-Senate prevailing, are lawful, legal, Constitutional. That W.W.I, and the accumulated debts therefrom are illegal. That W.W.II, the "police actions" there-after and the accumulated debts therefrom are illegal.

That membership in the U.N., and the treaties, etc. therefrom are illegal.

That no treaty, agreement, etc. whereby by commercial, secret-law, etc. whereby the U.S. taxpayer is forced to support foreign nations; aliens or enemies, is Constitutional.

That no president has jurisdiction/authority by Executive Order, or any other means, to bind the Sovereign Citizen.

7. That the Preamble, Amendments 9 (unenumerated rights) 10 (reserved rights) and Declaration of Independence Inalienable Rights (brought in by Article 6, U.S.C.) establish the Sovereign Citizen Right to declare such illegal, unlawful, unconstitutional violation of U.S. Constitution as TREASON.

WHEREFORE this Court

(through the judges thereof) is bound to support, by the mandate of Article 6(3), U.S.C., the mandate and guarantee of Article 5, U.S.C., and must declare that no laws in compliance with the provisions of Article 1(1) et seq., U.S.C., have been passed by the Congress since before or after 1915 Amend.17-Senate.

That where the Commonwealth of Massachusetts is Common Law State (see Body of Liberties, 1641) Common Law Affidavit is valid; and, being Testimony of Minister is Evidence, not needing further corroboration as to facts, conclusions, and signature.

AFFIRMED AND SUBSCRIBED UNDER PAINS AND PENALTIES OF PERJURY  
ACCORDING TO THE COMMON LAW (Christian, not former king's courts)  
THIS                      DAY OF                      ,

pro se  
forma pauperis  
Sovereign Citizen; Preamble.A.9, 10

SEP 10 1976

10/17 micrally con

129 4A

ADMITTED, ADMITTED/AVERRED AS TRUE

PRIMA FACIE EVIDENCE

AFFIDAVIT FOR TAXPAYER PROTECTION

I hereby swear under penalty of perjury that the following statement is true and correct: I have received no income since March 18, 1968.

Edward Wayland Pro se  
forma pauperis

Edward Wayland  
17 Leslie Rd.,  
Ipswich, Mass.

Essex County Mass.

September 8, 1976

Sworn to and subscribed before me this 8th Day of September, 1976 to be a true and accurate statement.

Duncan M. MacLeod  
Duncan M. MacLeod  
Notary Public

My Commission Expires 12/1/78





UNITED STATES TAX COURT

EDWARD WAYLAND

Petitioner

v.

Docket No. 8486-77

COMMISSIONER OF INTERNAL REVENUE

Respondent

STIPULATION OF FACTS

The parties hereby stipulate and agree that for the purpose of this case the following facts and exhibits attached hereto and made a part hereof may be taken as true, subject to the rights of the parties to introduce other and further evidence not inconsistent with this stipulation and preserving the parties' rights to object, at the time of trial, to any and all portions of said stipulation and attached exhibits as they may deem to be irrelevant or immaterial.

1. Edward Wayland, the petitioner herein, resided at 8 Central Street, Wilmington, Massachusetts at the time the petition herein was filed.

2. Petitioner filed his 1974 federal income tax return with the Director, Internal Revenue Service Center, Andover, Massachusetts. A copy of said return is attached hereto and marked as Exhibit 1-A.

4B

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UNITED STATES TAX COURT

Edward Wayland  
(Rt. Rev. Ph.D.)

ADMITTED, ADMITTED/AVERRED AS TRUE

PRIMA FACIE EVIDENCE

v

No. 8406-77

Comm. Int. Rev.

CHANGE OF ADDRESS

and

IN AND FOR EVIDENTIARY HEARING ON THE COMPLAINT  
THIS COURT HAS FAILED TO PROTECT SOVEREIGN CITIZEN

and now, without admitting jurisdiction, the  
Pet., Rt. Rev. Edward Wayland Ph.D., and notifies this Court  
of change of address to

RT. REV. EDWARD WAYLAND  
P. O. BOX 1008  
LOWELL, MASS. 01853

and demands Evidentiary hearing on the Complaint that  
this Court has denied mandated and guaranteed Constitution-  
al Rights; and Failed to Protect the Sovereign Citizen.  
The only legitimate function of government is to protect  
the citizen....this this Court has failed to do.

respectfully submitted

Edward Wayland pro se  
forma pauperis

Rt. Rev. Edward Wayland Ph.D.  
P.O. Box 1008  
Lowell, Mass 01853

## U.S. Tax Court

1225 Washington, D.C.

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Edward Wayland

v

Comm. Int. Rev.

No. 8486-77

ADMITTED, ADMITTED/AVERRED AS TRUE  
PRIMA FACIE EVIDENCE  
MOTION TO VACATE ORDER 6/6/79

U.S. TAX COURT  
DENIED

JUN 20 1979

(Signed) C. Moxley Featherston

JUDGE

Comes now the Petitioner, Rt. Rev. Edward Wayland, and moves this court, without admitting to jurisdiction, to vacate Order dated 6/6/79 which was received 6/14/79 on the following grounds:

- 1 This Court does not have jurisdiction after depriving litigant of mandated Constitutional Rights. AmJur2d Constitutional Law, Courts, Jurisdiction, Jury; and under Taxpayer Action...when citizen cannot get relief or is denied the right to petition for redress...the rules, statutes, etc. are unconstitutional.
2. Litigant is physically unable to travel...as the court was notified; and the court cannot deny the right to appear because of disability. Where the Supreme Court has ruled that ALL tax-related cases are CRIMINAL cases, that the petitioner is legally a DEFENDANT, this Court has denied all the procedural Safeguards required.
3. Under the "Unclean Hands Rule", this Court had no alternative but to find against the Respondent because Respondent has violated Common Law Copyright (of which this court was aware, having been apprized) (18 AmJur2d Literary Properties..Common Law Sects 1-30; and both Civil and Criminal penalties (Sect 125-135) identical

Copyright, the Respondent acted in a Criminal Way  
(Unconstitutional Acts as Government Crime, 60 Harvard L.R.)

4. That in filing the motion to amend, Respondent admitted that the original Notice of Deficiency was fraudulent; and thereby invalid. And that by the IRCODE, Sections 72++ and 74++ there are severe Civil and Criminal penalties for signing false and fraudulent papers, documents, etc; and unauthorized disclosure. Petitioner, Rt.Rev. Edward Wayland has been continually SCREAMING that the Notice of Deficiency is a total fraud. The various IRS personell refused to sign a notarized statement that the Notice of Deficiency is correct. For, the Supreme Court has ruled that even a SLIGHT OMISSION throws out the ENTIRE Notice of Deficiency.

5. 26 USC 7422(e) has been challenged as unconstitutional and thereby null and void. The various judicial Courts have declared the IRCODE unconstitutional for vagueness, etc. Until such time as Constitutionality can be determined, the court cannot proceed. It has done so illegally.

6. The Court cannot deny ALL PETITIONER, Rt.Rev. Edward Wayland, Motions...or throw them back; and then allow for Respondent. That is Violation of Amend 5 & 14 Due Process and Equal Protection. It establishes that the Court is merely an extension of the IRS, and is a court in name only. (Exparte Bakelite 279 US 438 (1929)).

7. The only legitimate function of government is to protect the citizen. This court has violated the mandate of Amendment 4, as well.

8. As Appellant, Rt.Rev. Edward Wayland, has filed with



Supreme Court that wherein the various branches of the (enumerated powers) government have shredded the Constitution, they cannot invoke it against Appellant for the multiple reasons listed therein. Amendment 16 has never been ratified; and is not valid. Where it attempts to REVISE the Supreme Law of the Land....without the required Constitutional Convention, it is doubly unconstitutional. (See Memorandum....Amendment 16). Also, where the government of the United States has failed to protect citizen, Rt.Rev. Edward Wayland, by the Constitution, and by Article X of the Const. for Comm. of Mass. which mandates that when the government "fails to protect", the citizen is not required to pay.

9. The Respondent has refused to answer multiple demands made on him...he has NOT established that Rt.Rev. Edward Wayland "is required".

10. For all the above reasons, and the additional statement that Petitioner, Rt.Rev. Edward Wayland, has not received a FAIR TRIAL as mandated by the Constitution; And had all charges against IRS admitted and affirmed by default, which charges include FRAUD, PERJURY, VIOLATION OF CIVIL RIGHTS, COMMON LAW COPYRIGHT, and others (which not included herein are not waived).

The Court has no alternative but to vacate the Order of June 6, 1979.

*W. B. ...*  
In forma pauperis  
Rt.Rev. Edward Wayland  
8 Central St. Wilmington, Mass

UNITED STATES TAX COURT  
WASHINGTON, D.C.

135  
40

Rt.Rev.Edward Wayland Ph.D.

v.

No. 8486-77

Commissioner Internal Revenue

ADMITTED, ADMITTED/AVERRED AS TRUE  
PRIMA FACIE EVIDENCE

OBJECTIONS OF Rt.Rev.EDWARD WAYLAND Ph.D. Ms.D. D.D.

Without admitting to jurisdiction of this Court, comes now the Petitioner, Rt.Rev.Edward Wayland Ph.D., with objection to setting of instant case for trial(alleged Cert #158078) on Mar. 17, 1980 and that it be taken off the list on the following grounds:

1. In denying Constitutional Rights of Petitioner the U.S.Tax Court has lost jurisdiction of case, and cannot proceed as any and all decisions are null and void. The only legitimate function of government is to protect the Sovereign Citizen; and this the U.S. Tax Court has refused to do.  
AmJur2d, Const. Law, Court, Jurisdiction, Jury, Taxpayer Action.
2. Actions against the U.S.Tax Court et al & Jerome Kurts et al are still in process on the multiple grounds of violations of civil rights, Common Law Copyright, abuse of due process, unconstitutional-ity, etc.
3. This case has been "set for trial" before; and been taken off the list for the above reasons (and others listed in previous objections). There has been no change since so that the reasons for taking off the list remain the same and are still void.
4. Petitioner, Rt.Rev.Edward Wayland Ph.D. has been under medical attention for several months, and it is extremely unlikely that he could proceed at that date.

WHEREFORE as this Court has lost jurisdiction, and all above, it has no alternative but to take case off the list.

12/11/79

OBJECTIONS OF Rt.Rev.EDWARD WAYLAND Ph.D. Ms.D. D.D.

-2-

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In the early days when a man had a grievance, he redressed it himself. During the formation of societies, he gave up that right on the theory that when a man was grieved, the entire society was grieved and the government redressed it for him. However, when that society or government refuses to redress that grievance, he is no longer bound by that society and his right to redress his grievance has been returned to him; for, if the government refuses to abide by its Contract with the Sovereign Citizen (The Constitution of the United States) it cannot compel the Third-Party, Non-Signer to do so.

respectfully submitted

*Rt. Rev. Edward Wayland Ph.D.*

pro se

forma pauperis

RECEIVED  
EDWARD WAYLAND  
LONG BEACH, CALIF.

UNITED STATES TAX COURT



Rt. Rev. Edward Wayland Ph.D.

v

Comm. Int. Rev.

No. 8486-77

ADMITTED, ADMITTED/AVERRED AS TRUE  
PRIMA FACIE EVIDENCE

PETITIONER'S MOTION TO DISMISS

(Signed) C. Moxley Featherston  
JUDGE

Comes now the Petitioner, Rt. Rev. Edward Wayland Ph.D. and moves this Court to Deny Respondents Claims and to dismiss instant suit with finding for Petitioner for the following grounds:

1. The Internal Revenue Service on Dec. 7, 1979 refused to verify as true, correct, and certain their claims for the years 1974, and 1975;
2. That the Internal Revenue Service refused to accept payment offered.

respectfully submitted

*Rt. Rev. Edward Wayland Ph.D.* pro se  
forma pauperis

RT. REV. EDWARD WAYLAND  
P. O. BOX 1008  
LOWELL, MASS. 01853

Attached: Affidavit for Citizen's Protection  
and copy offered IRS

*Demand written report  
Vacate charge court amount, basis, etc.*



This Affidavit Pursuant to Common Law, Rules 56 & 65 F.R.C.P. and Rule 104 Fed. Rules of Evidence

TO WHOMEVER:

ADMITTED, ADMITTED/AVERRED AS TRUE  
PRIMA FACIE EVIDENCE

I certify and depose, under penalties of perjury, Common Law, that the following statement is true and correct in its entirety and is not false nor fictitious as to any material content:

That I, Rt.Rev.Edward Wayland Ph.D. was present at the Internal Revenue Office, 100 Summer St. Boston, Mass, on December 7, 1979 and participated and witnessed in the following:

Rt.Rev.Edward Wayland Ph.D., at approx 11:09 a.m. asked James A. Boyd, and another employee of the Internal Revenue Service, who on demand refused to identify himself, with Rt.Rev.Edward Wayland Ph.D. as witness, with two tape recorders operating, to have the same notarized in order to establish, verify, the exactness of subject assessment (determination by I.R.S.) for the alleged taxable years of 1974, 1975; and which Sovereign Citizen was prepared to tender payment for that exact amount certain after subject Affidavit was executed; but said IRS employees refused to execute subject Affidavit, and did not produce anyone else to execute Affidavit, leaving said Citizen, Rt.Rev.Edward Wayland Ph.D. without verification of the accuracy of subject assessment; refused to accept tendered payment; therefore said Sovereign Citizen could not Tender payment on said date; and Then Sovereign Citizen orally made demand for Jury Trial by quoting sections of The Constitution of the United States of America that guaranteed and mandated the Right to Jury Trial.

Subscribed, Signed and Sworn as a Common Law Affidavit  
this 7th day of December, 1979

UNDER PAINS AND PENALTIES OF PERJURY

*Rt. Rev. Edward Wayland Ph.D.* pro se  
forma pauperis

RT. REV. EDWARD WAYLAND  
P. O. BOX 1008  
LOWELL, MASS. 01853

UNITED STATES TAX COURT

St. Rev. Edward Wayland Ph.D.

v.

No. 8486-77

Comm. Int. Rev.

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PRIMA FACIE EVIDENCE

AFFIDAVIT FOR CITIZEN'S PROTECTION

I, \_\_\_\_\_ IRS Id. No. \_\_\_\_\_ herein depose and say under penalties of perjury that the assessment in the sum of \$ \_\_\_\_\_ for the year 1974; and the assessment in the sum of \$ \_\_\_\_\_ for the year of 1975 has been verified by this agency as true, correct and certain; and is sworn to by me, \_\_\_\_\_, as true and correct and certain.

And, it has been explained to me that I am now a candidate for theological judgement under ecclesiastical law under the last half of the Second Commandment, Exodus 20, ~~5, 6~~, without beprieve of the Law of Grace.

SWORN TO UNDER PAINS AND PENALTIES OF PERJURY

THIS 7th day of December, 1979 \_\_\_\_\_

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

} ss

Subscribed and sworn to before me, a Nobary Public in and for the above County and State, this \_\_\_\_\_ day of \_\_\_\_\_, 1979

My Commission expires: \_\_\_\_\_

NOTARY PUBLIC

UNITED STATES TAX COURT  
WASHINGTON, D.C.

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Rt. Rev. Edward Wayland Ph.D.

No. 8486-77

Comm. Int. Rev.

ADMITTED, ADMITTED/AVERRED AS TRUE  
PRIMA FACIE EVIDENCE

DEMAND FOR WRITTEN REPORT

Comes now the Petitioner, Rt. Rev. Edward Wayland Ph.D. Ms.D. D.D. and herein demands a written report for the reasons PETITIONER'S MOTION TO DISMISS of 12/10/79 was denied so swiftly, etc. 12/14/79; and Demands a Written Report listing in detail why Each and Every one of his Motions has been DENIED WITHOUT A HEARING.

And Petitioner herein demands that all Denials be vacated on the grounds they violate Petitioner's guaranteed Constitutional Rights.

And that, failing in this, this Court has established BIAS, PREJUDICE, UNCONSTITUTIONALITY beyond any question of doubt. And it is so charged.

*Rt. Rev. Edward Wayland Ph.D.* pro se  
in forma pauperis

RT. REV. EDWARD WAYLAND  
P. O. BOX 1000  
LOWELL, MASS. 01850

Mo 12/21/79; Demand 12/21/79



CLERK OF THE COURT

UNITED STATES TAX COURT  
WASHINGTON, D.C. 20217

141

4F

May 30, 1980

Rt. Rev. Edward Wayland  
P.O. Box 1008  
Lowell, Mass. 01853


**PRIMA FACIE EVIDENCE**

In Re: Edward Wayland  
Docket No. 8486-77

Dear Rev. Wayland:

The enclosed documents listed below are returned to you unfiled as pursuant to Rule 24(b) of the Federal Rules of Appellate Procedure, a motion to proceed in forma pauperis must be filed in the Court of Appeals.

Very truly yours,

  
Hu S. Vandervort  
Deputy Clerk of the Court

Enclosures: Claim of Forma Pauperis  
Affidavit In Support Of Claim To Forma Pauperis  
Writ of Impecuniosity & Inability To Comply

HSV/cam



UNITED STATES TAX COURT

WASHINGTON, D.C. 20217

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Rt.Rev.Edward Wayland Ph.D.

v

Comm. Int. Rev.

4/28/80

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No. 8486-77

ADMITTED, ADMITTED/AVERRED AS TRUE  
PRIMA FACIE EVIDENCE

CLAIM OF FORMA PAUPERIS

Without admitting to the jurisdiction of the court, comes now the Defendant, Rt.Rev.Edward Wayland Ph.D., with CLAIM to Forma Pauperis status & Standing; and demand to proceed in that standing as being unable to comply with IRS demanda for dollars.

Rt. Rev. Edward Wayland Ph.D. pro se  
forma pauperis

RT. REV. EDWARD WAYLAND

P. O. BOX 1008  
LOWELL, MASS. 01853

UNITED STATES TAX COURT  
WASHINGTON, D.C. 20217

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Rt.Rev.Edward Wayland Ph.D.

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ADMITTED, ADMITTED/AVERRED AS TRUE  
No. 8486-77

v

Comm. Int. Rev.

PRIMA FACIE EVIDENCE

AFFIDAVIT IN SUPPORE OF CLAIM TO  
FORMA PAUPERIS

I, Rt.Rev.Edward Wayland Ph.D., being duly sworn, depose and say under the Common Law (as derived from the People's Common Law via the Old & New Testaments, and not the king's law of the Star Chamber & other courts under the king's control), that I am the Defendant (petitioner in name only) in the above-entitled case; that in support of my claim to proceed in forma pauperis without being required to prepay costs or to give security therefor. I state that because of my poverty I am unable to pay the costs of said proceedings or to give security therefor;

I further swear that I am not employed, nor in any business; and that since March 18, 1968 I have received no lawful money as defined by the Constitution of the United States of America.

SWORN AND SUBSCRIBED UNDER PAINS AND PENALTIES OF PERJURY ACCORDING TO THE COMMON LAW this 28th day of April, 1980

*Rt Rev Edward Wayland Ph.D.* Pro se  
forma pauperis

RT. REV. EDWARD WAYLAND  
P. O. BOX 1008  
LOWELL, MASS. 01853

UNITED STATES TAX COURT  
WASHINGTON, D.C.

4/29/80

~~11-200~~  
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DOCTY 2, APR 7, 56  
Rt.Rev.Edward Wayland Ph.D.

v

No. 8406-77

Comm. Int. Rev.  
4/29/80

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ADMITTED, ADMITTED/AVERRED AS TRUE

PRIMA FACIE EVIDENCE

WRIT OF IMPECUNIOSITY & INABILITY TO COMPLY

Without admitting to jurisdiction of the court, comes now the Defendant, Rt.Rev.Edward Wayland Ph.D., with WRIT OF IMPECUNIOSITY & INABILITY TO COMPLY:

1. Defendant has received no lawful money as defined by the Supreme Law of the Land, the Constitution of the United States of America since March 18, 1968; and therefore has no DOLLARS. Thus, where the demand of the Court, and the IRS is for DOLLARS, Defendant cannot comply due to both poverty, and inability to obtain any DOLLARS as defined by the U.S.C., for there are no DOLLARS available...anywhere.
2. Where the Constitution FORBIDS the federal government to determine what "legal tender" is; and enumerates that as a function of the State..and that it can make only gold & silver a "legal tender", under the enumerated powers, the government must furnish Defendant, Rt.Rev.Edward Wayland Ph.D., with DOLLARS, before he can comply. This the government has failed to do, refused to do.
3. That where the U.S.T.Ct. is unconstitutional; and lost any jurisdiction, this court cannot issue null-and-void orders; and by so doing compell Defendant, Rt.Rev.Edward Wayland Ph.D., to break the law; for the Sovereign Citizen to do so, is to conspire with an Alien-owned Federal Reserve System to make and declare as lawful money that which is prohibited by Art. 1 (2)(9)(10).
4. And further, the court is well aware that Defendant is indigent, not employed, and not in business.

5. And that further, under the Common Law, Magna Carta, Constitutions for U.S. & Comm. of Mass. (Article X), that where the government has failed to protect the Sovereign Citizen, not only is the Citizen not required to pay; but the GOVERNMENT MUST COMPENSATE HIM FOR DAMAGES, LOSSES, etc. CAUSED BY THE FAILURE TO PROTECT.

6. And that as per 74AmJur2d Taxpayers Actions S.10,14, when the Sovereign citizen does not have access to adequate remedy at law, the Sovereign Citizen has available Common Law Rights negating all corrupt and oppressive government actions.

7. And that in so acting, the court breached, violated, and rescinded the CONTRACT between the government and the Sovereign citizen(Third-Party, Non-signer): the Constitution of the United States of America.

SWORN UNDER PAIN AND PENALTY OF PERJURY ACCORDING TO THE COMMON LAW this 29th day of April, 1980

Attest: Edward W. Waller /s/ pro se  
forma pauperis

RT. REV. EDWARD WALLER  
P. O. BOX 1908  
LOWELL, MASS. 01850



UNITED STATES TAX COURT  
WASHINGTON, D.C. 20217

Rt.Rev.Edward Wayland Ph.D. \*

v \*

Comm. Int. Rev. \*

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No. 8486-77

ADMITTED, ADMITTED/AVERRED AS TRUE

CLAIM OF IMMUNITY

PRIMA FACIE EVIDENCE

Without admitting to jurisdiction, comes now Defendant, Rt.Rev. Edward Wayland Ph.D., with Claim of Immunity on the following grounds (in addition to loss of jurisdiction & authority):

That under the provisions of the CONTRACT & COVENANT between government and citizen (Preamble; Amend 9&10): Constitution of the U.S. as Guaranteed and Mandated by the Constitution of the United States, that ALL branches of State and Federal Government "...shall be bound by oath or affirmation to support this Constitution (U.S. as Supreme Law of the Land).." Article 6(3) U.S.Const.

That in the cases against Jerome Kurtz et al and U.S.T.Ct. et al...all claimed IMMUNITY (See Justice Brandeis in Olmstead v U.S. 1928); and that where the government, its various branches claim to IMMUNITY, Defendant, Rt.Rev. Edward Wayland Ph.D., as Sovereign Citizen (Preamble, Amend 9 & 10) is thereby entitled to the same IMMUNITY under the Equal Protection, Privileges and Immunities Clauses.

That where each "claims" there can be no suit without the consent of the government, nor any actions; then, under Equal Protection, Privileges and Immunities (filed months ago in U.S.T.Ct.) no suit nor any action can be taken against Sovereign Citizen, Rt.Rev.Edward Wayland Ph.D.

Thus, Defendant, Rt.Rev.Edward Wayland Ph.D., has IMMUNITY, because he has never consented to action against him.

*Rt.Rev. Edward Wayland Ph.D.* pro se  
forma pauperis

RT. REV. EDWARD WAYLAND,

P. O. BOX 1008  
LOWELL, MASS. 01853

9/25/80

UNITED STATES TAX COURT  
WASHINGTON, D.C. 20217

10/11/80

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4I

Rt. Rev. Edward Wayland Ph.D. \*

v \*

No. 8486-881

Comm. Int. Rev. \*

ADMITTED, ADMITTED/AVERRED AS TRUE

QUO WARRANTO

PRIMA FACIE EVIDENCE

Comes now the Defendant, Rt. Rev. Edward Wayland Ph.D., M.D., D.D., who is competent under the U.S. Constitution, with QUO WARRANTO, as a PREROGATIVE WRIT OF THE SOVEREIGN (former usage king), who was and is deemed the author and source of all privileges, liberties, and rights; and which has been duly transferred by the Preamble, Amendments 9 & 10, Magna Carta, Common Law, Declaration of Rights, Declaration of Independence and the Federalist Papers... TO the Citizen as SOVEREIGN.

And that, as Sovereign, Defendant, Rt. Rev. Edward Wayland Ph.D., herein issues QUO WARRANT WRIT OF PROHIBITION TO the United States Tax Court, and to Commissioner Internal Revenue and the bureau for which he stands: the I.R.S. to cease and desist from depriving Defendant of his Constitutional Rights; and that those herein listed are herein ORDERED to abide by the CONTRACT with the Plaintiff, and with the COVENANT made with GOD 200+ years ago. And that this QUO WARRANTO extends to ALL branches of the government: executive, legislative, and judiciary.

And as empowered and affirmed, also, in 74AmJur2d Taxpayer Actions Sect. 10, 14, citations & authority therein, on the basis of denial of relief, denial of Constitutional Rights.

And that denial or inaction on the claim "no longer active" is false, fraudulent and such denial of Constitutional Rights as to declare that this Court is not a Constitutional Court, and thus has no power nor authority to allege it is part of the U.S. Government.

10/11/80

pro se  
forma pauperis

RT. REV. EDWARD WAYLAND  
P. O. BOX 1008  
LOWELL, MASS. 01853

UNITED STATES TAX COURT

5/26/79

Edward Wayland

v

Comm. Int. Rev.

NO. 8486-77

4J

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ADMITTED, ADMITTED/AVERRED AS TRUE  
PRIMA FACIE EVIDENCE  
PETITIONER'S DEMAND FOR CRIMINAL CHARGES  
AGAINST IRS FOR FILING FRAUDULENT MATTER

Comes now the Petitioner, Edward Wayland, Rev., and herein demands that Criminal Charges Be filed against the IRS, and all participating agents for filing fraudulent statements, etc; (violated common law copyrights, also); as per IR Code Section 7344.

Rev. Edward Wayland pro se  
foras pauperis

Rev. Edward Wayland  
8 Central St.  
Wilmington, Mass.

5/26/79



CLERK OF THE COURT

UNITED STATES TAX COURT  
WASHINGTON, D.C. 20217

4K  
149

June 1, 1979

PRIMA FACIE EVIDENCE

rec'd 6/4/79

Edward T. Wayland  
8 Central St.  
Wilmington, MA 01887

In Re: Edward Wayland  
Docket No. 8486-77

Dear Mr. Wayland:

On May 29, 1979, the Court received from you documents labeled (1) "Petitioner's Second Objection to Change of Venue and Charge of Fraud, Collusion, Conspiracy and Continuing Violation of Constitutional Rights" and (2) "Petitioner's Demand for Criminal Charges Against IRS for Filing Fraudulent Matter". On May 25, 1979, the Court received from you a document labeled "Petitioner Demands Payment of Expenses".

The hearing set for June 6th is a hearing on a motion only. It is not a trial. The trial of your case will still be held in Boston. The Court will not be back in Boston until the Fall of this year. Routinely the Court hears motions in Washington. You do not have to be present on June 6th here in Washington. You have the option of sending the Court written argument instead if you wish. The Court has no procedure allowing it to reimburse any party for expenses incurred in connection with matters pending before it. Accordingly, your document labeled "Petitioner Demands Payment of Expenses" wherein you ask reimbursement for travel costs, etc., is returned to you with this letter.

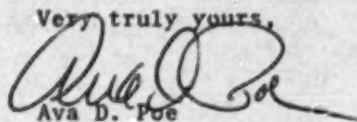
I am also returning your document labeled "Petitioner's Demand for Criminal Charges Against IRS for Filing Fraudulent Matter". This Court is a civil Court. It only has the power to decide how much, if any, additional taxes you owe. Any criminal action must be brought in the appropriate federal district court.

Finally, the remaining document has been treated as a supplement to your request to have the June 6th hearing moved from Washington, D.C. to Boston, Massachusetts, and has been



referred to the Court for its consideration.

Very truly yours,



Ava D. Poe  
Deputy Clerk

Enclosure: As stated

ADP/bmb

UNITED STATES TAX COURT  
WASHINGTON, D.C. 20217

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Rt. Rev. Edward Wayland Ph.D.

ADMITTED, ADMITTED/AVERRED AS TRUE  
No. 8486-77

Corr. Int. Rev.

PRIMA FACIE EVIDENCE

Cert. 1515047 2/1/80

SPECIAL NOTICE OF Rt. Rev. EDWARD WAYLAND Ph.D.

Continuing Special Appearance, comes now the Defendant, Rt. Rev. Edward Wayland Ph.D. M.D. D.D., (by S.Ct. ruling that a Petitioner in Tax Court IS a defendant against oppressive government practices) with Special Notice of inability to appear 2/1/80 on the following grounds:

1. Defendant has filed Affidavit & Disclaimer (offer of proof);
2. Court has lost jurisdiction & cannot proceed (offer of proof);
3. Notice of Appeal is filed (offer of proof);
4. Charge that statutes, rules, regulations, Amendments, etc. & the Court itself are unconstitutional on their face and in their application have been made; and which are averred & admitted by the government (offer of proof);
5. Defendant has physical disability since April, 1970, and under medical care (offer of proof).

J. Edgar Hoover / 1/1/80 pro se  
forma pauperis

UNITED STATES TAX COURT  
WASHINGTON, D.C. 20217



152

~~Rt. Rev. Edward Wayland Ph.D.~~

v

Comm. Int. Rev.

No. 8486-77

4M

Cert. #1515060

ADMITTED, ADMITTED/AVERRED AS TRUE

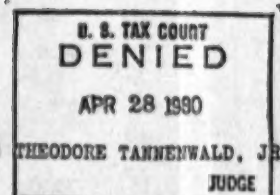
CLAIM THERE CAN BE NO SANCTION OR PENALTY

PRIMA FACIE EVIDENCE

Without admitting to the jurisdiction of the court, Rt. Rev. Edward Wayland Ph.D. CLAIMS that there can be no sanction or penalty imposed on (him) because of the exercise of Constitutional Rights. Sherar v Cullen (CA9 1973) 401 F2d 496 And that all his actions have been, are, and will continue to be demand for his Rights as Guaranteed and Mandated by the Constitution of the United States of America.

Pro se  
Forma pauperis

MR. R. E. EDWARD WAYLAND  
P. O. BOX 1008  
LOWELL, MASS. 01853



(Signed) THEODORE TANNENWALD, JR.  
JUDGE

UNITED STATES TAX COURT  
WASHINGTON, D.C. 20217

14  
4N  
153

Rt.Rev.Edward Wayland Ph.D.

v

Comm. Int. Rev.

No. 4486-77

ADMITTED, ADMITTED/AVERRED AS TRUE

PRIMA FACIE EVIDENCE

CLAIM U.S.T.Ct. IS UNCONSTITUTIONAL

without admitting to jurisdiction of the court, Defendant, Rt.Rev.Edward Wayland Ph.D., herein CLAIMS that the United States Tax Court is Unconstitutional (admitted & averred in Fed.Cts.) on the additional grounds that the Supreme Court has ruled in *Pernell v Southell Realty Co* that all CONSTITUTIONAL Courts must furnish a Jury Trial when either litigant demands it. This Court has repeatedly refused & denied Jury Trial...therefore...in spite of the "fact" it is alleged to be an Article 1 "court", it is unconstitutional on its face and in its application for violating Guaranteed and Sanctified Rights arising under the Constitution of the United States of America.

pro se  
In forma pauperis



UNITED STATES TAX COURT  
WASHINGTON, D.C. 20217



Rt. Rev. Edward Wayland Ph.D.

v

Comm. Int. Rev.

No. 8486-77 154

CERT. #1515060

ADMITTED, ADMITTED/AVERRED AS

WRIT OF PROHIBITION

PRIMA FACIE EVIDENCE

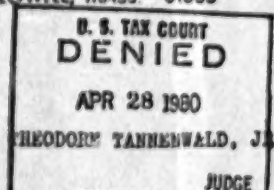
Without admitting to the jurisdiction of the court, Rt. Rev. Edward Wayland Ph.D., as Sovereign Citizen (as established by Preamble, Amends 9 & 10) comes now with WRIT OF PROHIBITION addressed to the Court & all judges, commissioners, clerks, and other personell therein on the Grounds of the Constitution & 74 AmJur2d Sections 10, and 14, wherein the Court, et al, having lost jurisdiotion by violation of the Citizen's Rights is prohibited from proceeding under penalties of the Constitution, etc. In addition, where there is no adequate remedy at LAW there is no jurisdiction, nor Constitutionality.

This WRIT OF PROHIBITION is brought under Rights Guarandeed and Mandated by the Constitution of the United States of America.

SWORN AND SUBSCRIBED UNDER PAIN OF PERJURY ACCORDING TO THE COMMON LAW (the People's Common Law, not the king's "common law") this 16th day of April, 1980.

*Rt. Rev. Edward Wayland Ph.D.* pro se  
in forma pauperis

RT. REV. EDWARD WAYLAND  
P. O. BOX 1008  
LOWELL, MASS. 01853



(Signed) THEODORE TANNENWALD, JR.

JUDGE

UNITED STATES TAX COURT

WASHINGTON, D.C.

Edward Wayland  
(Rt.Rev. Ph.D.)

v

Comm. Int. Rev.

7/9/79

\*  
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\*  
\*

No. 8486-77

4-P  
155,

ADMITTED, ADMITTED/AVERRED AS TRUE

PRIMA FACIE EVIDENCE

AFFIDAVITT OF APPELLANT

Comes now the Appellant, Edward Wayland, and herein deposes that in the Instant Case:

1. He was denied demanded Jury Trial and other guaranteed Constitutional Rights in U.S.D.Ct. (Mass) and U.S.Tax Ct. No. CIVIL NO. ~~77-1894-T~~  
8486-77
2. He was denied demanded Jury Trial and other guaranteed Constitutional Rights in C.A.1. (Mass) CIVIL NO. ~~78-2041~~
3. He was denied demanded Jury Trial and other guaranteed Constitutional Rights in S.Ct. No. \_\_\_\_\_  
S.Ct. refused to docket, thereby denying Amend.1.

That under the Common Law and Amendment 1 right to petition for redress of grievances; Amendment 9 unenumerated rights and 10 reserved rights; was denied due process of Amendment 4 & 5, and equal protection of 14. That where the government decides what issues and what controversies and what evidence, if any, is to be allowed in violation of freedom of speech, the result is a violation of the demand for trial "by the country" (per pais) and is thereby a decision of the government, by the government and for the government.

As a result thereof, all the courts lost jurisdiction for violating the Constitutional Rights of the Plaintiff, Edward Wayland (AmJur2d Constitutional Law, Courts, Jurisdiction, Jury, Taxpayer Action); and all such opinions, decisions, etc. are null and void. In denying access to justice in the courts (Magna Charta, Common Law, Constitution, Declaration of Independence, Preamble, and the Ten Commandments) for redress of grievances, this court has failed to protect as mandated by Amendment 1; and thereby as

AFFIDAVIT OF APPELLANT

156

Sovereign Citizen--as clearly stated in the Preamble, Amendments 9 & 10--the Courts have thereby completely lost jurisdiction over the person, property, papers, and effects of the Sovereign Citizen Edward Wayland.

And

Until such time as this court redresses the grievances of the Appellant, Edward Wayland, all rules, regulations, and misconstrued citations that deprive him of justice/redress are unconstitutional on their face and in their application.

Whereas no other branch of government has the jurisdiction nor judicial authority to redress his grievances, no other branch of government therefore has the slightest jurisdiction of the person, property, papers, and effects of the Sovereign Citizen, Edward Wayland.

For, the only legitimate function of government is to protect the citizen. The government, all branches, has refused to do this; and has thereby ceased to be a republic, and is now a thinly-veiled tyranny. A tyranny is not what the Sovereign Citizen, Edward Wayland, has agreed to.

In the olden days when a man had a grievance, he redressed it himself. During the formation of societies, he gave up that right on the theory that when a man was grieved, the entire society was grieved and the government redressed the grievance. But what happens when the government refuses to redress that grievance?

As stated in the U.S.D. Court 7/6/79, before Zobel, J.:

"If the government refuses to uphold (its contract) the Constitution of the United States, then it cannot enforce the Constitution upon the Plaintiff."

respectfully submitted

*Rt. Rev. Edward Wayland Ph.D.* pro se  
forma pauperis

Rt. Rev. Edward Wayland Ph.D.  
8 Central St.  
Wilmington, Mass. 01887



UNITED STATES COURT OF APPEALS  
FOR THE FIRST CIRCUIT

4Q

157

At. Rev. Dr. Edward Wayland

against

No. 82-1609

United States of America

IN SUPPORT OF  
SOVEREIGN CITIZEN SOVEREIGN IMMUNITY DEMAND TO  
VACATE "ORDER" 9/7/82

ADMITTED; ADMITTED/AVERRED AS TRUE  
PRIMA FACIE EVIDENCE  
by lawful, legal, Constitutional  
Comm. Mass.

MEMORANDUM:

THE AMERICAN MAFIA

Based upon Dirty Tricks C.I.A. Training Manual T.M.-SW7905.1  
Declaration of war upon the citizens, May 1954.

The problem of control is the most pressing problem of the elite (as they like to call themselves). This problem has been solved in numerous ways by the numerous tyrants and despots. This Memorandum is an examination of the parallel between the import-brand of control, and the native, American version.

All Mafias start more or less the same way...english, french, Irish, spanish, german, russian, italian, etc...usually inaugurated to counter (oftentimes bloodily) the Resistance and Rebellion of the peasants, peons, and semi-slaves being bled white by their over-lords.

All such groups start with a noble purpose..generally..to bring law and order. Being of the upper class, the self-termed elite, the definition of WHOSE law and order was never in doubt. It was the law and order of the elite, naturally; and would be to preserve the status-quo; to plunder as usual.

The Mafia being examined began as a religious order when the resistance and rebellion developed against the Church and the elite who sat in their stone castles atop the hills. It was so successful in breaking the resistance and rebellion that it encouraged the Brotherhood to excesses far greater than those that precipitated the earlier rebellion. The oppression became so bad and so serious that the Church disavowed the brotherhood and openly declared to be outlaw.

Whether secret ties, of secret orders, to the Church remained has never been answered. The Church says NO. But evidence suggests that among a strongly religious peoples it is unlikely that an order disapproved by the Church could not exist, could not survive. But the Mafia does..and it flourishes.

The American brand of Mafia started with an even more noble and honorable purpose. It began as resistance and rebellion to the oppressive practices of a distant elite bent on Plucking and Plundering.

Exactly when the nobility and honor disappeared from the American brand is unknown. It may even have been present at the



very beginning. That fact will never be known. But, it did become a system of Pluck and Plunder.

However, no criminal ever knows when to stop; never known when ENOUGH has been reached.

The Mafiosa, as the import-variety will be termed, exceeded its previous oppressions...promptly. However, the Mafiosa, being from a relatively poor nation, could never equal the native Mafia which has a long history of Pluck and Plunder, Terror and Extortion that leaves the Mafiosa green with envy. Here, too, the native Mafia soon exceeded the oppressions of the distant elite (that brought them to power) that precipitated the original resistance and rebellion.

As a general rule, one Mafia is displaced by another; and the process of Pluck and Plunder continues. Macchiavelli, in THE PRINCE, gave a short glimpse of the self-preservation mechanisms; and, of course, the total rejection of the qualities of humanity, for the sake of survival....the survival of the Mafia--not the victims.

Victims, fortunately for the elite, are self-replacing, and can be counted on to produce more victims, ad infinitum, despite wars (which are usually disputes between rival Mafias) genocide, etc.; and to furnish the fodder for more Pluck and Plunder.

One of the enigmas of the Mafiosa is that it is very religious and devout. The members are imbued with the belief they are doing God's work. How that answer is arrived at is a puzzle.

The Mafia, on the other hand, having found itself in conflict with God and religion, has disavowed God and declared Him outlaw. In His place they have inaugurated a religion: to which they are very devout: Do your own thing. If it feels good, then it is good. Damned be the consequences. This is amplified by the reverence and awe they demand from the victims with plush-plush offices, guns, etc.

And who, or WHAT, is the American Mafia?

The government of-the United States. Not the nation of the United States. Not the people of the United States. But a paid group of professional mercenaries (called politicians) who have hired to govern WITHIN certain guide-lines called The Constitution of the United States. The government of-

The Mafiosa goes to Church regularly.

The Mafia considers it IS the Church and God all rolled into ONE. Therefore, the Mafia demands worship in many forms.

The Mafiosa commands Obedience; and whatever obedience is left over then to God and the nation.

The Mafia demands that no orders but those that issue from the Mafia are to be obeyed; and obedience must be instantaneous, and without question...for question shows rebellion. The Mafia has resurrected, under different names of course, the ancient Army charge of "silent contempt" wherein the accused was automatically guilty...and only the severity of the discipline remained to be meted out.

Loyalty was high on the list of requirements of its soldiers. To challenge the orders of the Mafiosa was considered to be treason.

Here, too, the Mafia demanded absolute loyalty...to the Mafia. And issued Commandments:

Thou shalt not talk

Thou shalt not blab

Thou shalt not squeal

Thou shalt not clip, skim any portion of which belongs to the lord they god...the elite.

The Mafia shall be the lord thy god and thou shalt not have loyalty, obedience, honor to any other, for thy lord god shall brook no competition from the lesser gods.

With such loyalty, each member of the Mafia, being Unamerican, is an unregistered foreign agent.

The Mafiosa guarantees protection to its soldiers and all in between to compensate for the hard and harsh discipline to which they are subjected, and for the dangers they must face in their daily encounters.

The Mafia has developed a system of Protection that is the envy of all the Mafias in existence. It is almost impossible to bring one of the judges, or other, lesser soldiers to account for any wrong-doing. The Constitution grants no such immunities; so the Mafia created them out of thin air, and projected them via the fervent proclamations of its soldiers.

True, the Mafia does occasionally discipline one of its soldiers, but never as brutally as it does the Victims. For example.. in the Nixon dispute...If the charges against Nixon were true, then he should have been hanged for treason. If they were false, then his accusers should have been hanged. This business of dainty wrist-slapping for the most horrible treason is blasphemy.

Many crimes are laid at the door of the Mafiosa. Whether they are true or not is unimportant in this memorandum. What is important is the allegations of extortion via enforcers and executioners. If this is so, it would be difficult to understand the rationale behind such tactics...unless it could be charged as "business", and thus kept separate from honor, morals, religion, etc?

However, the Mafia is quite blunt about extortion. For the time being the Mafia disguises its extortion under a number of names and titles. The rationale behind the Mafia extortion is quite simple and easy to understand. Greed and Envy. The Mafia insists that everything belongs to the lord god..them..and is only under temporary use of the cattle.

Thus, there could never be any such thing as "extortion", for everything belongs to the Mafia..everything, even the people, themselves. How can one "extort" what already belongs to him? Denial of Justice? Justice is what the Mafia says it is; and anything against the interests of the Mafia most certainly can not be justice. Can it?

Permission/consent of the Victim (Sovereign Citizen)? There

are enough Mafia soldiers dressed in black robes sitting at benches that will grant them the Victim's permission/consent...whether he likes it or not!

Sovereignty of the Citizen? The Mafia claims that is sheer nonsense and rubbish. And where the Mafia is the lord god, it could very easily be blasphemy, as well.

Protect the citizen? Of course the Mafia does that, and does it extremely well. Anything that is good for the Mafia is good for the citizen. It stands to reason, doesn't it? You object? Charge: Silent contempt! Or would you rather be charged with treason? The laws are passed for YOUR protection, aren't they? Of course. How can the citizen be so ungrateful!

Of course, much more could be said. But that is how the Marias grow, and grow, and grow, until eventually, like all parasites, they kill the host.

Now...a rousing cheer. One. Two. Three. For the Red, White and Mafia.

pro se  
forma pauperis  
Sovereign Citizen;Preamble././9,10  
Sovereign Immunity; " " " "  
Affidavit//Theological Judgment



82-5488

SUPREME COURT OF THE UNITED STATES  
WASHINGTON, D.C.

RECEIVED

OCT 18 1982

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

Rt.Rev.Dr.Edward Wayland

against

No. 02-3400

Internal Revenue Service et al

Case # 962766

ADDITION TO APPENDIX

Where the U.S.S.Ct. appears to be more concerned with "form" rather than the Constitutionality of the Grievance, it is necessary to establish that the "Administrative" level has admitted, admitted/averred as TRUE all Appellant's claims, facts, law, etc., being the pleadings filed at the Administrative level....LONG before Appellee I.R.S. placed lien upon Christian CHURCH.

Thus, Appellant, Rt.Rev.Dr.Edward Wayland, Christian Minister, Sovereign Citizen Sovereign Immunity has argued BOTH the Administrative "law", and the Constitution of the U.S.

The Administrative Brief filed with the Sec.Treasury, I.R.S., U.S. (8x11) has been temporarily mislaid; and the source of that Brief is filed. It will be replaced with the true brief at the earliest available opportunity.

In any event, the Appellee' I.R.S. has totally FAILED TO PROVE; and REFUSED to even make an attempt to prove. Thus, it is Res Judicata, that the I.R.S. has absolutely NO jurisdiction/authority of the person, property, papers, effects, etc. of the Appellant, Rt.Rev.Dr.Edward Wayland, nor of Christian CHURCH.

*Rt Rev Dr Edward Wayland* pastor  
pro se  
for a pauperis  
Sovereign Citizen; Preamble.A.9,10  
Sovereign Immunity;  
Affidavit//Theological Judgment

RT. REV. EDWARD WAYLAND

P. O. BOX 283  
HAVERHILL, MA 01830

Anyone who lies to Minister; robs the Minister is capable of anything.

CERTIFICATE OF SERVICE

This is to certify that a copy of the Addition to Appendix has been made this 15th day of October, 1982 upon Appellee by depositing a copy thereof in the U.S. mail postage prepaid addressed to Atty.Gen.Dept.Justice Washington D.C. 20530f

*Rt Rev Dr Edward Wayland* pastor  
pro se  
for a pauperis

RT. REV. EDWARD WAYLAND  
P. O. BOX 283  
HAVERHILL, MA 01830



UNITED STATES COURT OF APPEALS  
FOR THE FIRST CIRCUIT

2H

90

Rt.Rev.Dr.Edward Wayland

against

Internal Revenue Service et al

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CIVIL No. 82-1306

SOVEREIGN CITIZEN SOVEREIGN IMMUNITY  
SUPPORT OF DEMAND "MEMO" BE VACATED

Comes now the Sovereign Citizen Sovereign Immunity Appellant,  
Rt.Rev.Dr.Edward Wayland, as Minister in demand that the "memo"  
of dismissal be vacated with enclosed Ex "D" in support thereof  
listed as

SOVEREIGN CITIZEN SOVEREIGN IMMUNITY CIVIL, RELIGIOUS,  
COMMON LAW, etc. RIGHTS TAX PACKET. 74 pages

AND IN THE ALTERNATIVE

THIS WOULD THEREBY BE

NOTICE OF APPEAL

BASED ON ALL THAT

HAS BEEN FILED WITH THIS COURT.

*+ Certify + forward*

*Rt Rev Dr Edward Wayland*

Sovereign Citizen Preamble.A.9,10  
Sovereign Immunity; " " "  
Affidavit//Theological Judgment

CERTIFICATE OF SERVICE

RECEIVED  
P. O. BOX 283  
HAVERHILL, MA 01830

This is to certify that service of the foregoing has been made  
this 4th day of August, 1982 upon Defendant by depositing a copy  
thereof in the United States mail postage prepaid addressed to  
William F Weld U.S.Atty office McCormack P.O.&Ct. Boston,Mass 02109

*Rt Rev Dr Edward Wayland*

RT. REV. EDWARD WAYLAND  
P. O. BOX 283  
HAVERHILL, MA 01830

D

P.O.Box 1008  
Lowell, Mass. 01853  
July 31, 1982  
Cert. #6854636

90a

IRS  
J.F.Kennedy Bldg Rm-100  
Boston, Mass. 02203  
All alleged personell, etc.:  
(Lowell, Boston, Washington, etc.)

SOVEREIGN CITIZEN SOVEREIGN IMMUNITY  
CIVIL, RELIGIOUS, COMMON LAW, etc.  
**RIGHTS TAX PACKET**

That wherein the enclosed "tax packet" was filed with the IRS August 25, 1978 for ALL years; and other portions in the various Federal Courts, and having been ADMITTED, ADMITTED/AVERRED AS TRUE is thus PRIMA FACIE EVIDENCE.

This alleged branch of government is bound by Article 6 of the United States Constitution; and violations of any Civil, Religious, Common Law, etc. RIGHTS of the Sovereign Citizen Sovereign Immunity (Preamble, Amend.9,10; Declaration of Independence, etc.) the branch loses jurisdiction/authority. Period. In addition to which the IRS has admitted to being illegal, unlawful, unconstitutional under defective Amend.17-Senate.

That where this alleged branch of government has elected to move AGAINST Church, Church-Property, and Christian Ministry, Ministers...in a Christian Nation, and has admitted to being ANTI-CHRIST, it has become a satanic horror.

Under the provisions of Amendment 1, the IRS has absolutely NO jurisdiction/authority by the ESTABLISHMENT and FREE EXERCISE clauses. Thousands of years ago, GOD damned for all eternity ALL those who attack HIM, or any of HIS Children, of which the Rt.Rev. Dr.Edward Wayland is one, and has been since his ordination January 6, 1936, DMarket Street, Philadelphia.

Jesus Christ, in Matt.18:15-17 stated clearly how such are to be treated (referring back to the Old Testament, therein).

To spell it out more clearly. This packet covers the years: 1935, 1936, 1937, 1938, 1939, 1940, 1941, 1942, 1943, 1944, 1945, 1946, 1947, 1948, 1949, 1950, 1951, 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959, 1960, 1961, 1962, 1963, 1964, 1965, 1966, 1967, 1968, 1969, 1970, 1971, 1972, 1973, 1974, 1975, 1976, 1977, 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, 1988--Armageddon.

And where it is established, Admitted, Admitted/Averred as TRUE the IRS is illegal, unlawful, unconstitutional, Demand is herein made, under provisions of FRAUD (Sov.Cit.Sov.Immun.) for return of ALL alleged taxes seized.

COMMON LAW JURY TRIAL PER PAIS PEERS DEMANDED.

*pro se*  
Rt Rev Dr Edward Wayland *pro se*  
*forma pauperis*  
Sovereign Citizen; Preamble.A.9,10  
Sovereign Immunity; " " " J"  
Affidavit//Theological Judgment

Rt. Rev. EDWARD WAYLAND  
P. O. BOX 1052  
LOWELL, MASS 01853

Rt. Rev. EDWARD WAYLAND  
P. O. BOX 283  
HAVERHILL, MA 01830

Service

PRIMA FACIE EVIDENCE

Past Due  
Final Notice  
Read Carefully

000299  
Date of this Letter  
07-02-82  
Taxpayer Identifying Number  
016-09-4447  
Document Locator Number  
08247-132-90605-2  
30-0012

904

If you inquire about  
your account, please  
refer to these numbers  
or attach this letter

HOWARD T. WAYLAND  
P.O. BOX 1008  
DORCHESTER, MA 01853

A111 504 608 0401

*Illegal, unlawful, unconstitutional  
under defective Amendment 17 Senate*

Dear Taxpayer:

Although notices and demand have been made for payment of your Federal tax liability shown below, we have no record of receiving the amount due. This is your final notice before we proceed with enforcement action.

To prevent such action, send us, within 10 days from the date of this letter, your check or money order for the total amount due, payable to the Internal Revenue Service. Show your taxpayer identifying number (social security or employment identification number) on it and enclose this letter to assure prompt and accurate credit. An envelope is enclosed for your convenience. The copy of this letter is for your records.

If you have recently paid the amount due but your payment has not been credited to your account, or if you cannot pay this amount in full, contact the office shown below within 10 days from the date of this letter. The telephone number shown on the enclosed notice.

If we do not receive your payment or if you do not contact our office, enforcement action may be taken at any time for 10 days from the date of this letter without any further notice to you. A Notice of Federal Tax Lien may be filed which constitutes public notice to your creditors that a tax lien exists against your property. Failure to pay may also result in your being assessed penalties, interest, and other taxes. If you are unable to pay, such as automobiles, may also be seized and sold to satisfy your tax liability.

Enclosures:  
Envelope  
Copy of this letter  
Telephone Number Notice

Chief, Collection Branch

Reply within 10 days  
to avoid enforcement action  
and additional penalties.

**FRAUD**

Tax Form Number ..... 1040  
Tax Period Ended ..... 12-31-80

Balance of Prior Assessments ..... 2,980.80  
Late Payment Penalty ..... .00  
Interest ..... 30.35

Total Amount Due ..... \$ 3,011.15

Reply to: INTERNAL REVENUE SERVICE  
J F KENNEDY BLDG ROOM E-100  
DORCHESTER, MA 02203

correct in stating it was a Criminal Action, and came under the 13th and 14th Amendments, the reasons were in error.

The Court omitted that under Allodial Freehold, the government had no power to seize...whether civil or criminal action...for the Allodial Freehold was utter, total, and absolute property ownership. The Founders wrote it into the Constitution without labelling it as such. And, as being absolute property ownership...an inalienable right that could not be abridged, amended, nor voted away...the government had no jurisdiction over it.

The Supreme Court was correct in their decision. But for the wrong reasons.

In the ancient days, the first tentative ownership of land was military tenure granted by the king to a subject, whose chief duty was to supply fighting men for the king's armies. For the king was the sole "owner", and could grant, if he so desired. This was a feudal compact, some of which survived the social changes, and became a "copyhold". This was not a free holding, for there were conditions attached to the grant, which survived only the king's good will.

Eventually the holdings developed into free and unfree--. The local manor, the king, and every lord in between maintained jurisdiction over the unfree holding. But in the free holdings, the aggrieved owner could petition the king to protect him from a local usurping manor. With this right to petition developed a centralization of justice, and feudalism quietly died.

With the assistance of the Christian Church, the Common Law of the land, the customs, was concentrated into the Laws of Conscience, became operative, and slowly, eroded away the absolute power of the king.

Simultaneously, there was a lower economic tenure. The Agricultural tenure which was a quasi-military tenure, for the king was in continual need of men, men, and more men....and they had to be fed. In effect, both tenures, military and agricultural, were for the life of the grantee; but for his lifetime only. Heritability, other than Church holdings, had not yet appeared. It made a cautious appearance after the Conquest..as an alien Norman heresy..the right to "ownership".

In the 13th Century, the grants of land were in "fee simple" as payment in land for services, a corruption of the feudal feoffment and was a relatively easy type of grant. It developed "ownership",



ADMITTED. ADMITTED/AVERRED AS TRUE

PRIMA FACIE EVIDENCE

MEMORANDUM

ALLODIAL FREEHOLD

The right of property....is not ex gratia from the legislature, but ex debite from the Constitution...it is sometimes characterized judicially as a sacred right, the protection of which is one of the most important objects of government  
16 AmJur2d Sec. 362

In the Syllabus of *Boyd v U.S.*, an alleged civil suit:

"A proceeding to forfeit a person's good for an offense against the laws, though civil in form, and whether in rem or in personam, is a 'criminal case' within the meaning of that part of the Fifth Amendment which declares that no person 'shall be compelled, in a criminal case, to be a witness against himself'."

on page 635

"It is the duty of courts to be watchful of the Constitutional rights of the citizen, and against any stealthy encroachments thereon"

on page 639

"I am of the opinion that this is a criminal case within the meaning of that clause of the Fifth Amendment..."

*Boyd v U.S.* 116 US 646, 630 (1886)

The decision:

The Supreme Court UPHELD the 4th and 5th Amendments in seizure of property and reversed the prior finding for the United States; and established THAT THE SEIZURE IN A CIVIL SUIT WAS A MISHOMER. IT WAS IN ALL RESPECTS A CRIMINAL ACTION; THEREFORE CRIMINAL SAFEGUARDS MUST BE IN FORCE TO PROTECT THE RIGHTS OF THE SOVEREIGN CITIZEN.

And in so ruling, the Supreme Court was in error; an error that has caused untold harm. For, though the Supreme Court was

and all the firmness of possession. The owner, in fee simple, became a threat and a jeopardy to the manor and the king. By law the fee simple was ended. But the subjects had a taste of ownership now, and it was eventually revived, but changed from its original meaning and purpose.

The governments recognized fee simple as a threat to them. It is very unlikely they realized how serious the danger really was. For, with the fee simple came the break with feudalism, and by developing "ownership", slowly evolved into the freehold: an actual ownership of property, tax-free, by freemen not subject to the manor; and with the right to protection from the king, merely by petitioning for that protection.

For it is with the right-of-ownership that the subjects developed enough incentive to bring about social, cultural, and scientific revolutions, not by the will of the king, but by the desires of the landowner.

The right of freehold for life was readily recognized and accepted. But tenure only for a lifetime was not enough. When the theory of heritability became stronger, this concept was savagely attacked; and from fending off the attacks developed the modern trusts--a freehold held by Third Parties for the designated heirs, or other specified purpose.

The freehold was held by the freemen under "seisin"; and it was this right of seisin that was the weakest link in the chain of freehold. As a result of this weakness, the seisin was attacked, often successfully, by usurpers, previous owners, the manor, and the king (even though the king was pledged to protect the freehold).

The fee simple was restored as an estate to assist the Battle of the Freehold. The savage no-quarter of the battle is made quite clear on examinations of the Magna Charta, 1215 A.D. Almost half of the provisions deal with property, ownership, protection, and associated rights, including the right to jury trial of the peer-group.

Gradually the society fractured into three classes: Freemen, who could own property; Unfree (serfs, peons, bondsmen, indentured, etc) who could own the clothes on their backs....sometimes; and the Outlaws who had no rights at all. At the same time, the autocracy of the manor gradually shifted to a centralized government.

While the Freehold was developing for the Freeman, a similar, but less effectual Copyhold developed as ownership by the villein. This slowly gained recognition, but never achieved the stature of the freehold. It was easier to disseisin the copyhold, i.e. seize the property and dispossess the villein under one pretext or another. Also, the king was not committed to protect the copyhold as he was the freehold, for the villein was more subject to the manor. The king did, however, partially restrain the manor from the more outrageous performances.

From the fee simple developed the freehold of total ownership, and the copyhold, which was slightly above the level of limited, honorary ownership, subject to many changing conditions and whims.

From the theory of "ownership" developed the centralization of government, the Common Law, the land laws, laws of Contract, Torts, Trespass and Case; the Criminal Law was in prior existence but mainly interpreted as breach of the king's peace. This, of course, rapidly expanded with the new concepts.

Throughout this era there was a silent, centralized government that kept to the background--the Church--which governed by the Ecclesiastical Law of the Ten Commandments; and left a large imprint upon the Common Law that no kennite has ever been able to completely erode. This Common Law was termed the Law of Conscience, for that is what it depended upon: the conscience of the people for its effectiveness.

As the visible government became strongly centralized, there was, of course conflict between Church and State. It came to a crisis 6/15/1215 at Runnymede where the centralized government was temporarily slowed in its steady expansion; and the rights of the governed were to bind the government with the chains of the Magna Charta.

The entire Magna Charta cannot be quoted herein, but a few of the highlights are necessary. It is important to note that the governed did not trust the king, nor his Courts; and in several sections insisted on Common Law Jury Trial of the peer-group, with the jury right to determine both the facts and the law. A good half of the Magna Charta is devoted to Property Rights. With but few alterations the Magna Charta is clearly shown to be the Bill-of-Rights Amendments to the Constitution of the United States.

S.2-8 Military tenure was ended with holding of land along the principles of FREEHOLD;

16. actually states "free holding" of property as such;
18. limited the seizures & property
19. by "free tenants" enlarged upon FREEHOLD;
20. rights of freemen to jury trial;
27. heritability of freemen;
30. freemen rights against seizure of property;
31. property cannot be seized;
32. Property of criminals cannot be confiscated/must be return



- 37. property held in trust;
- 39. freemen right to jury trial;
- 40. right to justice;
- 45. government officials must KNOW & OBEY the law;
- 49. eliminate practice of hostage;
- 52-57 restoration seized properties, illegal fines, and punishment.

Of course the argument is raised that some provisions of the Magna Charta were for the immediate time; however, the provision may have been immediate....but the principle therein continued beyond the immediate need.

The centralized government that subsequently developed was no doubt the best government the civilized world had known. But it did have a serious weakness: the king. He could and did cause a tremendous amount of damage. He was especially encouraged by the anonymity of governing-at-a-distance, which was the relationship to the colonies.

However, the king misjudged the colonists.

In order to conquer a wilderness and build homes for their families, certain qualities were a requisit for the colonists... a fierce sense of freedom, and strong powers of self-reliance. This clashed with the centralized government's demands of self-like subservience.

At first the colonists pleaded humbly for equality.

In the Declaration of Rights, Congress N.Y., 10/19/1765, the colonists pleaded in low-key for reaffirmation of the same inherent rights and privileges of natural-born subjects within the kingdom of Great Britain, which meant the Common Law, Magna Charta, and specifically mentioned in Article 7 the right to trial by jury.

Then again in the Declaration of Rights, Congress Philadelphia, 10/14/1774, but in much sterner, stronger language

Demanded the Rights to which they were entitled under the Common Law and three times demanded jury trial.

Had the Colonies been close at hand, it is probable that the king would have listened, for the bloody uprising of the subjects against the despot was too recent for comfort. However, an ocean was between him and the colonies; and thus he had 3000 miles of courage.

Thus, in reserved tone, but angry denunciation and disclaimer, by Declaration of Independence, Congress 7/4/1776, listed its multiple grievances, seizures, denials, violations of rights and broke alliance with the source of the grievances: the king. And, quietly though loudly expressed the freehold concept--allodial--became a fact rather than theory.



From experience with an unpredictable king, the Founders knew that the king's law of property rights was a quick-sand, and would forever remain so under any despot or tyrant--incidents, remainders, mortmain, alienation, warrants, fines and recoveries, settlement, resettlement, entail, and a host of other advantageous fictions by which the despot, without the protection of Common Law jury trial, could jeopardize all ownership and seize at will, governed only by insatiable appetite.

With this in mind, the Founders built a Constitution upon the Common Law with the express purpose of improving upon the defects of the Common Law.

The Founders didn't trust government, not even the government they were forming; even into the Preamble they established who was to be Master and who the Servant:

"We the people of the United States....."

The intent, as so plainly stated was that the Citizen was to remain Master.

Any other interpretation is treason.

In fact, Thomas Jefferson stated bluntly:

"Speak not of faith in your fellow man.  
Bind him down with Chains of Constitution."

And, the Founders built upon the Common Law, which Constitution cannot be interpreted other than by the Common Law. No Statute, rule, nor fiat can justly interpret that Constitution.

The greatest fear the Founders had while they were building the Constitution and all the Safeguards was the gradual and subtle erosion with a full-blown domestic-brand despot. As far as they were concerned a foreign-tyrant and a domestic-tyrant were one and the same. Tyranny, by any name is still tyranny.

With this in mind, knowing that the only sure way to prevent a despot was to deny jurisdiction over property and rights, they enlarged on the concept of freemen and freehold. They determined that property was to be an inalienable absolute and then built the fortress

#### ALLODIAL FREEHOLD

the absolute, inalienable right of property that cannot be abridged, amended, nor voted away. However, where Freehold was originally the concept of land-ownership, the Founders went far beyond that and included all property, chattels, etc., movable or not. So that by their Constitution not even a gun-wrapper can be seized without Common Law Jury Trial.

In order to prevent the manor-type squabbling, the Founders mandated that the Constitution was to be, and is, the Supreme Law of the Land; and subsequent Supreme Court decisions found that the Supreme Law, the Constitution, was, and is, a part of the Constitution of every State. Thus, every State had brought to it, the Common Law of the people--a Common Law established by the moral code of the Bible, reaffirmed in the Magna Charta, and acknowledged by the Preamble and various Amendments--9 & 10 in particular.

Throughout the Founders kept a wary eye on Property Rights, and tried to build into the Constitution safeguards against the forecast of State and Federal future actions, wherein they would deplore the absolute Right and declare it a "privilege" based upon the benevolent government by passing statutes seizing jurisdiction of "property". For, the Founders realized that sooner or later even the most beneficial forms of government declared war upon its subjects.

The Mandate of Amendment Four is quite clear:

"The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

The Amendment is divided into FOUR separate parts; and the concept of Allodial Freehold is clearly spelled out in the first part. There can be no other interpretation.

This is further amplified in Amendment Five:

"...nor shall private property be taken for public use without just compensation."

Herein is the mandate against the enrichment of one man at the expense of another (Common Law). Nor the enrichment of many men at the expense of one. Only by having Property Right as an absolute Inalienable can such a mandate stand. And that absolute, Inalienable, of course, is

#### ALLODIAL FREEHOLD

The Bill of (Powers and) Rights continues with Amendment 9:

"The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people."

This Amendment, coupled with the Preamble, establishes that the Citizen is Sovereign in his person, property, papers and effects. Where the original Freehold concept was formulated only for ownership of land; the Founders expanded it into complete ownership of land, chattels, and all other forms of property. This was understood to be such a fundamental Right that the Founders omitted it directly, but did incorporate it into Amendment 9.

The mandate of Amendment 10 is equally clear:  
 "The powers not delegated to the United States  
 by the Constitution,  
 nor prohibited by it to the states,  
 are reserved to the States respectively,  
 or to the people."

Here are listed FOUR separate and distinct statements, and state that powers of the people can be given to the State....but NOT to the United States....perhaps! By all the preceeding portions of the Constitution, the mandate is quite clear that the Rights of the people REMAIN their inalienable rights and cannot be abridged, amended, nor voted away. Among these absolute rights is

#### ALLODIAL FREEHOLD

Amendment 13 adds further to the mandate. Although it was primarily a Civil War Amendment, its provisions are most enlightening:

"Neither slavery  
 nor involuntary servitude,  
 except as punishment for crime whereof the party shall  
 have been duly convicted,  
 shall exist within the United States,  
 or any place subject to their jurisdiction."

Only under Allodial Freehold can the mandate of Amendment 13 be accomplished. Only by absolute property ownership can the Citizen be Freeman. When the government maintains the unconstitutional statute that it maintains and retains jurisdiction over the Citizen or his Property, the Citizen no longer has ownership, and is in involuntary servitude to the State....the same condition that the Founders objected to: that by the king's laws they were in bondage to the king...and not Freeman that they claimed to be.

Put simply: Allodial Freehold is the absolute ownership and control

without government restraint or jurisdiction

an absolute

Right under Common Law, as improved by the Constitution.

For anything less than the Allodial Freehold status is--  
peonage to hhe State, and has thrown the Citizen back to the era  
 preceeding the Magna Charta, 1215 A.D.

And, where the government maintains the fiction of jurisdiction, the Sovereign Citizen has no recourse but to demand the jury for his protection, the Common Law Jury to determine the facts and the law.

For anything less is bondage to the state.



A brief analysis of a deed "Tenant by the entirety" will clearly disclose the fallacy of the position of government that ownership is a "privilege" and not a right.

By Black's Law Dictionary, "Tenant" is defined as the owner; "Entirety" means the whole; and the whole means that there can be no outside jurisdiction, control, etc. For, in that event, there can not be a whole--only a part, thereof, by which translation the concept of "entirety" is a fraud. To continue, Tenant by the Entirety further maintains the entire, the whole, and does not include outside jurisdiction.

Thus, the government can not, and may not, Constitutionally, seize by Lien, Attachment, or any other process properties of the Citizen by action in any Civil--nor Criminal--Court. Such action as the government might take can be taken ONLY in a Criminal Court with all the Constitutional and Procedural Safeguards. This, of course, includes Common Law Jury to determine the facts and the law.

By this definition, the U.S. Tax Court is illegal and unconstitutional. Action taken therein is Criminal Action..in a Quasi-Civil Court(?) staffed by administrative personell. By maintaining the fiction of "Suit at Equity", the government violates the Constitutional Mandate. For, even in suits at equity, the Founders provided Common Law Jury Trial by Amendment 7, thus protecting their Freehold from determined government usurpers.

"Decency, security, and liberty alike demand that government officials shall be subjected to the same rules of conduct that commands to the citizen. If a government of laws, existence of the government will be imperilled if it fails to observe the law scrupulously. Our government is the potent, the omnipresent teacher. For good or ill, it teaches the whole people BY EXAMPLE. Crime is contagious. If the government becomes a lawbreaker, it breeds contempt for the law; it invites every man to become a law unto himself; it invites anarchy. To declare that in the administration of the criminal law the end justifies the means...would bring terrible retribution. Against this pernicious doctrine this court should resolutely set its face."

Justice Brandeis..Olmstead v U.S. 277 US 438,405, 48 S.Ct. 564,575, 72 LEd 944 (1928)

The Constitution is a Restraint upon government by enumeration of its limited powers. Any excess, any casualty of the Citizen's rights leads only to Anarchy in the Courtroom, with the retribution listed above/

For, the government does not have, and can never achieve, no matter how loudly it protests to the contrary, jurisdiction over property in violation of

ALLODIAL FREEHOLD



Thus, the government is powerless to seize, or to place a lien upon property of any kind.

And, thus without jurisdiction, the government cannot, through the courts or in any other way, deprive the Citizen of his property in an action erroneously called "mortgage foreclosure", etc.

JURY TRIAL, COMMON LAW, DEMANDED.

respectfully submitted

\_\_\_\_\_  
pro se  
forma pauperis

**ERINA PACIE EVIDENCE**

Cert 4061160  
return receipt

Comes now the Sovereign Citizen, HONORABLE EDWARD WAGLAND JR., D., M.D., D.D. and herein revokes all 1040's filed from 1935 to date (except 5th Amend Supp. Objection), and all other forms, etc. on multiple grounds listed below; and demands return of all "monies" seized during that time under numerous unconstitutional pretenses on the grounds that the Statute-of-Limitations, in the Constitution, applies ONLY to the Government, and NOT the Sovereign Citizen; and numerous other grounds stated below. And that such seizures having been done under color-of-law, the charge of CRIMINAL FRAUD is levied against and has participated.

**AFFIDAVIT** is brought under Equal Protection, Privileges,  
 and Immunities Clauses (wherein if the IRS & agents cannot  
 be brought to account...then neither can Sovereign Citizen)  
 74AmJur2d Taxpayer Actions, Quo Warranto, Writ of Prohibition,  
 Disclaimer of Jurisdiction & Authority, Declaration of  
 Outlaw; God's Law of Liberty & Justice; Warning to the  
 Wicked, Warning to Evil Rulers, denial of Right to Glorify  
 Satan and those who do his bidding, Theological Jurisdic-  
 tion, Magna Carta, Declaration of Independence Muremberg  
 declarations by U.S.S.Ct. Justices, Bill of Rights, etc...

The only legitimate function of government is to protect the Sovereign Citizen; the only legitimate function of the Judiciary is to protect the Sovereign Citizen from oppressive government practices. The government has failed-to-protect, has issued unconstitutional and unlawful "money", illegally fired multiple inflections, violated due process of law (Art. X Const. Mass., a Common Law state, mandates

[illegible]

that when the government fails to protect, the Sovereign Citizen is NOT required to pay).

That Amends 16, 17, 18 are unconstitutional on different grounds; and where Amend 17 is unconstitutional....NO laws passed since the alleged date of its ratification is lawful, legal, which includes the establishment of the IRS, U.S.T.Ct., etc.

This the government neglected to inform Sovereign Citizen; and fraudulent statement "Ignorance of the law is no excuse" does NOT apply for that is a deliberate and willful mis-translation of "ignorantia juris quod quisque tenetur scire, neminem excusat", which correctly translates to:

IGNORANCE OF THE RIGHTS WHICH EVERY ONE IS BOUND TO KNOW, EXCUSES NO MAN....an entirely different matter.

Thus, where the Constitution is valid only Preamble, Articles, Amendments 1 to 15 only, other representations (under color-of-law, for Unconstitutional Law is from the date of its inception, rather than the date it is declared Unconstitutional) are, of course, Criminal Fraud.

And that the ex-post facto Clause applies only to government, not to the Sovereign Citizen; and claims under it are void back to 1935!and before!!

One such claim is herein made for damages due to radiation on Manhattan Project, where the government refused medication and threatened to put Rt.Rev.E.W. in jail, and loss of career. (But then, the government ALWAYS threatens with jail to cover up its own corruptions, evils, mistakes, etc.)

And that the I.R.S. has admitted/averred to having raided and seized an estimated \$5,000.00 from the Sovereign Citizen's post-office box; and has refused to return it.

That the illegal IRS has further multiplied its corruption with illegal letters without signature, postmark, or signature of judge. Has refused to answer lawful questions, has necessitated actions under Privacy and F.O.I.A., has violated the entire Constitution, Common Law, Allodial Freehold, Abused ALL Amend. 1 Rights, Freedom of Religion in particular. Has instituted criminal investigation that is defamatory...without cause; and has admitted NO criminal findings of any kind. In collusion, conspiracy, veiled and not-so-veiled threats has harassed and persecuted

FOR, ARTICLE 6(3) binds the IRS...as well as the rest of government.

And, all actions thereby are CRIMINAL FRAUD. For, under Common Law there is only Public-wrong (criminal) between Gov't and citizen; and Private-wrong(Civil) between citizens.

Thus, Sovereign Citizen, Rt.Rev.Dr.E.W. demands ALL alleged assessments, etc. made thus be vacated as being Criminal Fraud. For, the IRS, being illegal, has no Jurisdiction nor Authority to make such assessments, issue such statements, threats, etc.

And the IRS has repeatedly violated Sovereign Citizen's

Common Law Copyright without his consent, without his permission, without compensation as required under 17U.S.C. (Civil & Criminal).

In the early days when a man had a grievance he redressed it himself. During the formation of societies he gave up that right on the theory that when he was grieved the entire society was grieved and the society redressed it for him. However, when that society refuses to redress that grievance it has given back to the man the right to redress it himself.

Sovereign Citizen Rt. Rev. Edward Wayland Ph.D., Ms.D., D.D.,  
herein demands redress of his grievances:

Common Law Copyright

Civil Rights

Radiation damages

Return of all "monies"

Defamation & Harassment

Violation Due Process, Procedural Safeguards

Charge of Criminal Fraud, Unclean Hands

Interests, costs, expenses, penalties, punitive damages

All the above, and what is not listed is not waived by omission, is brought up under Preamble, Amends 9,10,13,14, Theological Jurisdiction & Theological Judgment; for, it is established that where there is no redress under "law", Theological Jurisdiction & Judgment is supreme law, this being the Common Law as derived from the Bible.

Next steps: Information to the Grand Jury.

SWORN AND SUBSCRIBED UNDER PENALTY OF PERJURY ACCORDING  
TO THE COMMON LAW (Christian, not the King's courts) this  
12th day of June, 1961

*Edward Wayland*  
\_\_\_\_\_  
forma pauperis  
Sovereign Citizen  
Preamble, Amends 9,10,13,14

Enclosed: bill



# Memorandum

Memorandum Sovereign Citizen  
Sovereign Immunity  
Minister/Affidavit

[This has been filed in federal court.]

The purpose of this Memorandum is to establish, without questions, the exact jurisdiction/authority of the Citizen, and that of the government, not State and Federal.

Justice Marshall, in the U.S. Supreme Court, conceived a circuit issue of jurisdiction/authority in 1821 when he pulled out of thin air, without grounds or foundation, the theory of Sovereign Immunity of the government; and the fiction that the government could not be held accountable without its consent. Thus, in one step, Marshall reduced the Sovereign Citizen to a peon at the beck and call of government. For, nowhere in the Constitution of the U.S. is such power granted, and enumerated.

The Preamble, Amendments 9, 10 of the U.S. Constitution establish and re-affirm that the Constitution of the U.S. is CONTRACT between government as SERVANT and Citizen (Third-party Non-signer) who remains Master and SOVEREIGN. Thus it is established that the Citizen is not only SOVEREIGN, but that in such capacity, it is the Citizen, not Government that has total SOVEREIGN IMMUNITY.

This is further affirmed by the Common Law (Christian, not former King's self-serving courts, not Federal Court attempt to make law by "case-law"). Under the Common Law there are but two categories: Private-Wrong and Public-Wrong. Private-Wrong is, of course, litigation between citizens, which is Civil. Public-Wrong is Criminal. It is litigation between government (as one of the litigants) and the Sovereign Citizen, regardless of what the name of the case is named. Being Criminal, all Procedural Safeguards Apply for the Protection of the Sovereign Citizen; and the Burden-of-Proof remains upon that of the Government, especially when the constitutionality of action, rules, "law" is challenged.

Thus, violations of the Constitution are not just "Civil-Rights" which is euphonic legalism, but in fact: perjury, felony, treason, anarchy and outlaw.

The Declaration of Independence further affirms the Sovereignty of the Citizen, and by the "consent of governed" clause (which is valid under Article 6 (1,2,3) U.S. Constitution) establishes the Immunities of the Citizen in relation to government, that the government remains under Contract TO the Sovereign Citizen.

A brief summary of the Sovereign Citizen Rights is to be found in the Body-of-Liberties, 1641, the Massachusetts Magna Carta, which provisions found the way into the U.S. Constitution: FREEMAN, Freehold (Allodial) property rights (absolute ownership), jury trial, due process, etc., etc., etc.

However, Amendment 17 adds both confusion and corruption to the government. It never issued from Congress with the required Constitutional 3/4ths vote; and was not properly ratified by 3/4ths of the legal states; and was thus improperly signed into "law". So that, after 1914, the election of Senators was unConstitutionally changed from that by state legislatures to that by the citizens. This, of course, is null and void as though it had never been passed (Am.Jur2d Constitutional Law, Courts, Jurisdiction, Jury) and constitutes a FRAUD.

Since 1915, none of the functions of the Amend. 17-Senate are legal, lawful, Constitutional. This establishes the federal government, at best as FRAUD, and at worst as a collection of rogues and counsellors protected by Marshall's fictitious Sovereign Immunity.

The Body-of-Liberties, 1641, further establishes, as found in Amendment 1 ESTABLISHMENT and FREE EXERCISE clauses, that the government is to no longer use the Church for judgments

that might not be readily made in the courts. From 1641, the courts were no longer required to ENFORCE Theological judgments; but the courts were required to HONOR them as valid, binding law.

The state could no longer control the Church; but there were no such restraints upon the Church which could assist, guide, direct, etc., the state. This is the ONLY separation made between Church and State; and nowhere in the Constitution were the provisions that government could violate or interfere in Theological areas.

And, as Sovereign Citizen Sovereign Immunity, it is the Citizen and the Minister, not government, who is to determine what a Theological Area is or is-to-be.

Under Shipboard Covenant, 1636, the nation-to-be was dedicated, in Covenant, to God, and thus officially became a Christian nation. As such, the Common Law became established as that founded upon the Old and New Testaments. A Common Law affidavit is one that is signed in the presence of two or more witnesses, who affirm that signature with their own. And, it is Written in Scripture that the signature of the Minister is equivalent to 2-3, or more, witnesses, and needs no further corroboration.

Thus, the signature of the Minister establishes Affidavit of ALL complaints, pleadings, etc.; and, as such can be countered only by two or more counter Affidavits. This has NOT been done.

Thus, the signature of attorney, if valid under Amend. 17-Senate, is but a "signature of merit" and can NOT counter, answer, nor deny the Affidavit of the Minister's Signature. Thus, establishing that the "signature of merit" is of lesser weight.

The Federal Rules of Civil Procedure, Rule 8; Common Law; multiple U.S.S. Ct. decisions (res judicata) establish that any complaint or pleading that is not denied (in total), answered is admitted/averred as TRUE, which admissions remain TRUE. No "case-law" can change that which is admitted, regardless of alleged judicial findings. Nor can judicial finding be applied to subsequent cases (Green v U.S.) for only the parties of a particular litigation be bound by the FINDING (not the pleadings). To attempt to rule-in case-law is not judicial make-law in violation of the Constitution wherein only the Legislature has that enumerated right and author-

Case-law applied unconstitutional is loss of any alleged jurisdiction/authority by the branch of government applying it:

Executive/ Legislative/ Judiciary; for case-law, and quicksand statutes are "legalisms", not Constitution, that angered Jesus Christ to the point where He damned, for all eternity, the scribes, pharisees, sadducees. "Legalisms" is NOT God's Law of Liberty & Justice, and establishes injustices and evils of corruption in government.

The U.S.S. Ct. Justices at Moberg waived aside the defenses of the accused on the grounds that NO citizen is required to obey an evil law, evil order, evil government. In fact, Scripture states bluntly that the Christian is not only bound not to honor evil, but is requested to resist it. For, that which is not of God is of Satan. And, government-corruption is not of God.

Any violation of the Constitution is a corruption.  
(Brandeis: Olmstead v U.S.; Douglas: Granzberg v Hayes)

Thus, where it is affirmed that the signature of Minister establishes Affidavit, such signature also establishes Theological Judgment. Thus, all complaints, pleadings are Theological Judgment, and must be HONORED as such by the government. To refuse to HONOR is to violate Amend. 1 and Godly-of-Liberty provisions. Amendments 9-10 further establish, arising under the Preamble, that all such Complaints and Pleadings are and remain Theological Judgment.

Such Theological Judgment remains of greater weight than all the case-law, quicksand statutes, and assorted legalisms. It remains in effect regardless of any Amend. 17-Senate court findings; and by the self-damnation provisions in Theological Judgment as being opposition to God's Minister is bound in Heaven as on earth.

Thereby, the court has only the jurisdiction/authority granted by the Sovereign Citizen Sovereign Immunity; and cannot usurp any other. Only the Common Law Jury per pale peers can grant to the court a limited jurisdiction/authority. And, since the Civil War it is extremely difficult to find any cases tried Common Law Jury per pale peers. The verdict of an Amend. 17-Senate judge is thereby suspect; and not being made under the Common Law Jury cannot be legally, lawfully, Constitutionally cited.

Thus, the Sovereign Citizen, Sovereign Immunity Minister has no alternative but to disclaim jurisdiction/authority that may or may not have been sneaked past him, without informing him of such and without his consent/permission in writing of all rules, regulations, quicksand statutes, legalisms, administrative law, commercial and merchant laws, etc., etc., and retains his total Sovereign Immunity. That where the government, as SERVANT, claims Sovereign Immunity, the Citizen as MASTER is thereby MORE Sovereign and entitled to greater SOVEREIGN IMMUNITY.

It is thus established that the government is not the constitution; and is bound in Contract, Covenant, and Faith by that Constitution. But, that government has become a haven for rogues and scoundrels. This was not the intent of the Founders. Nor is it what the Sovereign Citizen Sovereign Immunity Minister has agreed to.

The Sovereign Citizen remains a Citizen of the United States, but the government has ceased, by the Constitution, to be lawful, legal, Constitutional.

In the early days when a man had a grievance, he redressed it himself. During the formation of societies he gave up that right on the theory that when he was grieved the entire society was grieved and the society redressed it for him. But when that society refuses to redress it for him; and when that society IS the source of that grievance, it has given back to that man the right to redress it himself. In a situation like that, the Sovereign Citizen has no alternative but to REVOKE his "consent of the governed".

So be it.

-----pro se  
forma pauperis

Sovereign Citizen:  
Preamble A.9.10  
Sovereign Immunity:  
Preamble A.9.10

Moses said to pharaoh, "Let my people go."

Hl. Rev. Edward Wayland  
Lowell, Mass.

Thus, this memorandum, being signed by Minister is both Affidavit and Theological Judgment.

Nov. 24, 1981  
Cert. #8614171

ADMITTED, ADMITTED/AVERRED AS TRUE

Department Treasury  
Secretary of the Treasury  
Washington, D.C.

PRIMA FACIE EVIDENCE

re: Cert Nos. 8595378, 8595382, 8595385, 8595388, 8614165, 8614160,  
8614166, 8614159, 8595360, 8614167, 8595367, some of more  
recent date not listed; and others going back to 1958

Multiple demands have been made upon YOU, your "subordinates"  
to PROVE that the IRS has jurisdiction and authority. Demands to  
RETURN all seized properties have been made. Disclaimer of Jurisdiction  
and Authority has been FILED with proofs (unchallenged by IRS both  
direct and in the Courts) that IRS is illegal, unlawful, unconstitutional,  
and is acting in Anarchy against the Constitution; and is thusly  
OUTLAW without Right-at-Law.

when  
Title 5 U.S.C. Secs. 555(e) etc. establishes that a challenge to  
IRS jurisdiction and authority is made, IRS must promptly, substantively  
materially ANSWER; and where demands are denied; the reason for DENIAL  
must be made PROMPTLY, etc.

The Department of Treasury, Sec. of Treasury, Commissioner of  
Internal Revenue, and all the assorted flunkay subordinates have  
failed to do, refused to do, and obstructed every attempt to determine  
what, if any, jurisdiction the IRS has or does NOT have.

Thus, over a period of TWENTY-THREE YEARS, it had been absolutely  
established that the IRS HAS NO JURISDICTION NOR AUTHORITY OVER THE  
SOVEREIGN CITIZEN, FREEMAN, nor can it produce any power-of-attorney,  
nor written consent and permission.

It has long been an established fact, res judicata, that when the  
Constitutional Rights of the Sovereign Citizen are violated, the per-  
petrator of the violations loses any and all jurisdiction and author-  
ity "they" may have had, quicksand statute notwithstanding.

However, a lesser known fact, and hidden from the public is the  
fact that such violation of Constitutional Rights IS FELONY. And  
all those who uphold, support, or in any way condone it (42 U.S.C.  
1986, 1988) are ACCESSORY-TO-FELONY, AND ARE EQUALLY GUILTY. As  
Watergate judicially settled the question of immunities...THERE ARE  
NONE...no-one: executive, legislative, or judicial is immune!

As stated above, the IRS has had TWENTY-THREE YEARS to prove it  
has Jurisdiction and Authority...and it has FAILED TO DO SO.  
And thus, the IRS has affirmed/admitted/averred it has NO Jurisdiction  
and Authority.

As Sovereign Citizen, I, Rt. Rev. Dr. Edward Wayland, have Declared  
the IRS as OUTLAW, which also has been affirmed/admitted/averred by  
the IRS.

Therefore, as Sovereign Citizen, Freeman, I herein demand the  
return of ALL properties seized illegally, unlawfull, unconstitutional  
by illegal, unlawfull, unconstitutional actions and IRS.

*Rt. Rev. Dr. Edward Wayland* pro se  
for a pauperis  
Sovereign Citizen  
Preamble, Amends 1, 4-10, 13-14

RE. REV. EDWARD WAYLAND

P. O. BOX 1000

LOWELL, MASS. 01853

Copies

Dept. Treas. Comm. I.t.Rev. #8614172

IRS Lowell, Mass. R. Greene, C. Walsh #8614173



UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

90s

Rt.Rev.Dr.Edward Wayland

against

United States of America

\*  
\*  
\*  
\*  
\*  
\*

CIVIL No. 82-0957-Mc

ADMITTED, ADMITTED/AVERRED AS TRUE

PRIMA FACIE EVIDENCE

MEMORANDUM

Admitted, Admitted/Averred as TRUE  
Therefore..Prima Facie Evidence

Comes now the Plaintiff, Rt.Rev.Dr.Edward Wayland, as Sovereign Citizen Sovereign Immunity; as Minister thereby in Affidavit// Theological Judgment in support of all prior pleadings, with exhibits attached. It is long-established, res judicata, that whatever is not denied completely, nor answered, is admitted, admitted/averred as true.

That where the courts, and assorted litigants, have chosen to ignore this long-established fact-of-law, Plaintiff can assume only that (a) the court lacks knowledge of this fundamental point, (b) is in collusion-conspiracy to deny and to deprive of Constitutional Rights, Justice, Access-to-Justice, etc. This Memorandum is on the basis of (a) above.

I.

Federal Rules Civil Procedure Rule 7 specifically states

(a) "There shall be a complaint and an answer:-"

(c) "Demurrers, pleas and exceptions for insufficiency of a pleading shall not be used."

Rule 12(b)(6) motions to dismiss..and the others therein are demurrers; and openly claiming "insufficiencies", etc.

F.R.C.P.Rule 8 clearly states:

(b) "A party shall state in short and plain terms his defenses to each claim asserted and shall admit or deny the averments upon which the adverse party relies"

"Denials shall fairly meet the substance of the averment denied"

(d) "Averments in a pleading to which a responsive pleading is required,...are admitted when not denied in the responsive pleading." (Federal Rules Decisions R.12(b)(6) state that such motion has admitted/averred as TRUE the adverse party claims which are usually facts..and the law based grievance).

(f) "All pleadings shall be so construed as to do substantial justice." (Motion to dismiss is bare-faced injustice).

F.R.C.P.Rule 11 clearly establishes bad-faith:

"if a pleading is not signed or is signed with intent to



defeat the purpose of this rule, it may be stricken as sham and false and the action may proceed as though the pleading had not been served."

F.R.C.P. Rule 12 clearly violates Rules 7,8, Amendment 1,9,10, the mandate of Article 6 that ALL federal employees, officials, etc. MUST uphold the Constitution as Supreme Law; and violates the Sovereignty and Sovereign Immunity of the Citizen as affirmed by the Preamble, Amend. 9,10:

- (a) "A defendant shall serve his answer within 20 days after the service of the summons and complaint upon him,--"
- (b) "Motions to dismiss..are all demurrer and "insufficiencies" of one kind or another. Such a motion is a legalism, not the law; and has NO weight relative to Constitutional Demands. It may be a convenience to judges jealous of their prerogatives; particularly in troublesome & sensitive areas. However, the Preamble and Art. 6 mandates deny such rights to servant government. Violations are violations of Constitutional Rights..at which point? the court..OR WHATEVER OTHER BRANCH OF GOVERNMENT IS INVOLVED..loses all jurisdiction/authority of the case AND the Sovereign Citizen's Sovereign Immunity.

F.R.C.P. Rule 38 states even more clearly and more bluntly:

- (a) "The right of trial by jury as declared by the Seventh Amendment to the Constitution or as given by a statute of the United States shall be preserved to the parties in-  
violate."

However, the statute cannot supersede nor amend the provisions of the Seventh Amendment; only in possible areas (which the Plaintiff cannot visualize) that are not covered by the Seventh.

F.R.C.P. Rule 55:

- (a) "When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend as provided by these rules and that fact is made to appear by affidavit or otherwise, the clerk shall enter his default."
- (b) "Judgment by default may be entered as follows:
  - (1) By the Clerk--
  - (2) By the Court--"

However, in a "BILL OF COMPLAINT", an answer is required; and in ALL Complaints by the Sovereign Citizen Sovereign Immunity, wherein the government is one of the litigants an answer is required on the grounds that grievance is against oppressive government practices; degree of oppression being irrelevant and immaterial.

By filing "Motion to Dismiss", the litigant has failed to answer, is in default, and has Admitted/Averred the Complaint and Pleadings are TRUE. And, remain TRUE regardless of what the Court does or does not do.

Amendment 1 bluntly states that the Sovereign Citizen has the absolute right to petition the government for redress of grievances. A motion-to-dismiss is not redress. And it is NOT an answer. Thus, failing to answer: has admitted, admitted/averred as TRUE.

Amendments 9,10 bring in the Common Law..based upon the Old and New Testaments, via the Magna Carta etc., and not upon the king's self-serving courts. Under the Common Law there are but two categories of litigation: Private-Wrong (Civil) in litigation between citizens; and Public-Wrong (Criminal) whenever government is one of the litigants. Thus, regardless of the title and "type" of litigation, when government is involved, all Procedural Safeguard apply. The MOST important of these being: Jury Trial...Burden-of-Proof upon the government, Due Process, Equal Protection, Privileges and Immunities, FAIR trial before unbiased judge, etc.etc.etc.

Thus, not only does the government have the requirement of an ANSWER...but the Burden-of-Proof is upon government and NOT upon the Sovereign Citizen Sovereign Immunity.

This is further emphasized by the Common Law Jury Trial per pais peers who have the duty to determine the facts and the law.

So, not only must the government ANSWER, and PROVE, but it must do so before a jury "of-the-country". Failure at any point constitutes: Admitted, Admitted/Averred as TRUE.

For, the Preamble, Amends.9,10, establish that the government is under Contract, as Servant, to the Sovereign Citizen as master. And, when that Sovereign Citizen DEMANDS Answer, failure to answer constitutes admission by the government.

Every day, in many, many courts unanswered demands are presented to the courts as prima-facie-evidence under the local rules, the common law, etc.; and they are acted on as prima-facie-evidence. For, that which is not completely denied nor answered is admitted, admitted/averred as TRUE...and becomes prima-facie-evidence, res judicata.

Amendment 1 ESTABLISHMENT, and FREE EXERCISE clauses, coupled or not with Common Law Amend.9,10 establish that Religious Rights are separate and distinct from allegedly civil rights. It is established in Scripture that the word of the Minister is equivalent to 2-3, or more, witnesses and needs no further corroboration. Such establishes that the word of the Minister is Affidavit; and, as Affidavit, is of greater weight than a signature-of-merit. However, the Body of Liberties, 1641, establishes that such affidavit of the Minister is Theological Judgment. And, as Theological Judgment must be honored in the courts. Dishonor of the Christian Theological Judgment, is, of course, damnation. It is so Written.

Jesus Christ did not appear to win Popularity Contests. HE came with Mandate. This Mandate is presented to this court by HIS Minister, Rt.Rev.Dr.Edward Wayland

it is Written that Pontius Pilate committed suicide rather than face the horrible sentence passed upon him for his part in the Crucifixion. For NO man can wash-his-hands clean of GOD. None.

Thus, as the word of the Minister, this Memorandum is Affidavit and Theological Judgment, which must be upheld and honored in the courts. Having REFUSED to Answer, Defendant has Admitted, Admitted/Averred as TRUS..in all their intensity and horrors..all the Plaintiff's grievances and charges both in instant and prior cases.

Most people are uneasy in the courtroom. They have the feeling of intense, concentrated Evil...but, being brainwashed, are mistakenly apprehensive of a feeling, an aura of AWG. Evil is evil. Awg is approach to holiness. There is none here.

To deny that all the facts and the law are admitted, admitted/averred as TRUS is to enter into conspiracy/collusion to deny and deprive. Under Common Law, Theological Law that which is not Denied/answered completely is admitted, admitted/averred as TRUS.

IV.

Once Admitted, Admitted/averred as TRUS, such admissions remain TRUS for all time, regardless of what any judge will do. For, there is no such thing as temporary Truth. The finding of a judge is, of course, limited only to the litigants participant..i.e. binding only if no Constitutional Rights were violated in the process; and only by a proper judge. Otherwise the case remains in limbo, with all facts and law Admitted, Admitted/Averred as TRUS.

Most judges admit that a LIE is generally 90% truth. The other 10% being most troublesome. However, under Scripture, if the content was 99.9% truth, GOD would consider it as filthy rage and as a TOTAL lie.

Thus, not only does the motion-to-dismiss Admit, Admit/Aver as TRUS; but, also, in violating even the slightest (if there is such a thing) Constitutional Right, the Motion-to-Dismis, under God's Law of Liberty & Justice is a TOTAL LIE.

Where the Court is required to determine the TRUTH, it is required, under F.R.C.P. Rule 11 to Strike the Motion-to-Dismis as a LIE, and to Default Defendant on the grounds of failure-to-answer as required.

And, that which is Admitted, Admitted/Averred as TRUS, can, of course, be used as prima facie evidence by anybody in any court of the land at any time thereafter. It is Written.

V.

Just what has the Defendant Admitted, Admitted/Averred as TRUS? Below is but a partial list (what is not listed is not waived by omission):

1. Entire Complaint, instant and prior, of Plaintiff, Rt.Rev.Dr. Edward Wayland; and all pleading.
2. That TWENTY-DAY Summons is valid and binding.



3. That Defendant IS in default.
4. That the U.S. Attorney is illegal, unlawful, unConstitutional (under defective Amend. 17-Senate) and has no rights to enter any pleading or appearances in federal court. This was admitted both orally in court, and in having admitted, admitted/averred as TRUE.
5. The I.R.S. is illegal, unlawful, unConstitutional.
6. The Dept. Justice is illegal, unlawful, unConstitutional.
7. The Dept. Treasury is illegal, unlawful, unConstitutional.
8. That where the Federal Reserve Act of 1913 amends the Constitution by "statute" it is illegal, unlawful, unConstitutional.
9. The Attorney General is illegal, unlawful, unConstitutional.
10. The Commissioner Internal Revenue is illegal, unlawful, unConstitutional.
11. That such actions taken without jurisdiction/authority are perjury, felony, treason, anarchy, and outlaw.
12. That the United States does NOT have Sovereign Immunity. (Defaulted under Common Law Burden-of-Proof, etc.)
13. That the various statutes by-the-servant in order to protect the-servant are illegal, unlawful, unConstitutional.
14. Collusion/Conspiracy to deny and deprive of Constitutional Rights.
15. Admitted to Contempt-of-Court and Contempt-of-Constitution.
16. Admitted to Felony.
17. Admitted to Fraud, and to filing fraudulent documents in public places.
18. Admitted to violations of the Constitution and FAILURE TO PROTECT the Sovereign Citizen Sovereign Immunity.  
etc.etc.etc.

## VI.

The Attached Exhibits A-E are but a partial list of what the U.S. Attorney has Admitted, Admitted/Averred as TRUE. They are enough to establish Fraud and Felony on the part of the Defendant, and Oppressive Government Practices. Each of the Exhibits is, thereby, Prima Facie Evidence, and cannot now be questioned, answered nor denied; for, not only are they Prima Facie Evidence, but also Affidavit of Minister...and thus; Theological Judgment.

It is Written that as it was in the days of Noah, so shall it be before Jesus Christ Returns. When will HE return? We are not to know the exact day or the hour; but we are to know the signs. Ezekiel, Daniel, Revelation have spelled out prophecies that are daily, hourly, being fulfilled. Is this the End-Times? Rt. Rev. Dr. Edward Wayland believes it is. This court has been rebuked and has refused to repent. The Plaintiff is not required to harangue and to prove.

He has presented his case, has presented for the court's attention the provisions of Admitted, Admitted/Averred as TRUE.

Defendant has failed to answer, refused to answer..and has fallen back upon bad-faith legalisms..because there is NO WAY that Defendant can answer the charges, complaints and grievances. This



establishes that Defendant has Admitted, Admitted/Averred as TRUE everything Plaintiff, Rt.Rev.Dr.Edward Wayland has charged; and that includes total loss of jurisdiction/authority past, present and future.

pro se  
forma pauperis  
Sovereign Citizen;Preamble.A.9,10  
Sovereign immunity; " " "  
Affidavit//Theological Judgment

CERTIFICATE OF SERVICE

This is to certify that service of the foregoing has been made this day of 1982 upon Defendant by depositing a copy thereof in the United States mail postage prepaid, addressed to  
John P McAllister  
office Dept.Justice  
Washington, D.C. 20530

pro se  
forma pauperis  
Sovereign Citizen;Preamble.A.9,10  
Sovereign immunity; " " "  
Affidavit//Theological Judgment

# Demand For Evidentiary Hearing and For Proof Any Crime Has Been Committed

by Rt. Rev. Edward Wayland

Comes now the Sovereign Citizen, Sovereign Immunity and herein demands Evidentiary Hearing upon any and all Restraints now impairing his Constitutional, Common Law, Religious Rights. It is further demanded that the government establish that a Crime has been Committed; and prove that such Crime was Committed.

Under the Common Law: In litigation between citizens, the action is Civil...Private-Wrong. There is only one other category: Public-Wrong...criminal...when government is one of the litigants. Thus, regardless of the name, the Sovereign Citizen Sovereign Immunity is truly the DEFENDENT against oppressive government practices when government is a litigant. And, for that reason it becomes most important, most urgent, that Crime is proved; for, punishment without Crime is tyranny. The victim is being punished for being the victim.

The Courts have openly stated that it is better (for whom?) to convict a dozen honest men than to let one guilty go. Guilty of WHAT!?

Amendment 8 clearly states "nor cruel and unusual punishments inflicted". Does this mean that the victim can not be punished without proper Constitutional Safeguards? Under Common Law Public-Wrong all Constitutional/Procedural Safeguards are a mandate.

Amendment 13 even more clearly states, "Neither slavery nor involuntary servitude, except as PUNISHMENT FOR CRIME WHEREOF THE PARTY SHALL HAVE BEEN DULY CONVICTED, shall exist within the United States, or any place subject to their jurisdiction."

There must first be a CRIME. Then, there must be a PROPER conviction.

And, that conviction can not be cruel nor unusual punishment.

In order that there must be a CRIME...INTENT...must be pro-

ven. It cannot be assumed.

Then, the prosecution MUST produce the victim. Without a victim there can be no CRIME. To belabour "victimless crime" is to depart from governing and to enter the field of moral behavior and control, which is the exclusive function of the Church, not government.

This court, without proof of crime, without Procedural Safeguards has placed restraint upon the Sovereign Citizen Sovereign Immunity without his express permission/consent: illegally, unlawfully, unConstitutionally.

What is a restraint? Injunctive order to prohibit the Sovereign Citizen Sovereign Immunity from petitioning for redress of grievance, a Constitutional Right guaranteed by Amendment 1. A Protective Order issued by the court to prohibit the Sovereign Citizen from demanding Answers or Actions that would be detrimental to government. Sometimes Motion in Limine is used as the handcuffs and shackles to prevent the action proceeding in areas considered to be too "sensitive". There are many other forms of restraint...as, for example, court procedures and legalisms that bind the Sovereign Citizen to standards nowhere listed in the Constitution.

At this point it becomes necessary to establish the exact position of the litigants. The Citizen is Sovereign and in total Immunity (Preamble; Amend. 9, 10) to whom the government is under CONTRACT, as servant; and, as servant, is bound by Article 6 to enforce...not INTERPRET...the Constitution of the United States. Thus, the only legitimate function of government is to PROTECT the Sovereign Citizen; and the only legitimate function of the Judiciary is to PROTECT from oppressive government practices. Whom does the restraint of the Sovereign Citizen protect?

Where and how does the restraint arise? Usually the U.S. At-

torney sometimes the court itself, will initiate a motion, or order to be rubber-stamped by the judge explaining in fancy terms why the Sovereign Citizen has suddenly become the mortal enemy of the nation and must be restrained. Sometimes, not even with a hearing, the judge signs and "that is that". Or is it? In a Republic, the individual is supreme and is NOT bound by majority mob-rule democracy. So how can the individual be restrained for the good of a majority that has no legal standing?

Where does the U.S. Attorney, the judge, the court get the jurisdiction and authority? From the Constitution? No. From GOD? Most definitely not. Then...WHERE?

In order to have jurisdiction/authority of a crime, there must be a crime. Is an Amendment 1 Right to Petition the Government for Redress of Grievance a Crime? Is it a Crime to attempt to enforce Guaranteed Procedural Safeguards? Is it a Crime to stand on Constitutional Rights? Is it a Crime to demand mandated Religious Rights?

Apparently it is, for the U.S.D. Ct., U.S.C.A.1. (Boston) both stated, in writing, that the Constitution of the United States is not valid, binding law. Then what is? Pharasaic legalisms?

However, neither the court nor the U.S. Attorney have proven or justified such a frivolous assumption.

A restraint placed upon one citizen is placed upon all citizens.

What, in effect, the court is saying is:

That the Sovereign Citizen Sovereign Immunity is THE enemy.

That he is not entitled to petition for redress of grievance. Here the servant is exceeding his master; which is prohibited in Scripture.

That he is not entitled to Due Process, Fair Trial, Jury Trial before an honest unbiased judge.

continued on page 7  
see Demand

## \*Demand

That he is not entitled to Common Law Rights, Religious, Civil Rights.

That he is not entitled to any Constitutional Rights.

That, although no crime has been proven, he is nonetheless a criminal.

There are, of course, many other denials of justice and access to justice. Yet, it is impossible to cover them all; and only the major contingencies could be listed herein. However, the most important is the change in status wherein the Servant assumes and presumes to exceed his Master, the Sovereign Citizen...a direct violation of the Preamble, Amend. 9, 10...and GOD's Law of Liberty and Justice. So, not only is such an attitude unconstitutional...but it is also blasphemy.

No legal, lawful, Constitutional charge of CRIME has ever been made.

No legal, lawful, Constitutional trial has ever been held upon the notion of CRIME-in-limbo.

Nor has there ever been a legal, lawful, Constitutional charge ever made.

Amendment 17 was never properly issued from Congress, nor Constitutionally ratified. Thus, the functions of a defective-Amend. 17 Senate cannot appoint nor confirm the judges nor the U.S. Attorneys. The U.S. Attorney, thereby, is illegal, unlawful, unconstitutional and has no jurisdiction/authority to even appear in the courtroom. The alleged judge is in the same category. This IS Admitted, Admitted/Averred as TRUE by the U.S. Attorney...AND...the judge; and is thereby prima facie evidence that the "charge" is fraud and the resultant "order" "restraints", etc., are also fraud without jurisdiction/authority.

Even without defective Amend. 17, when the government fails-to-Protect, it loses any jurisdiction/authority it may claim (Am. Jur. 2d Constitutional Law, Courts, Jurisdiction, Jury, Taxpayer Actions) (Amendment 4!!!)

And, without jurisdiction/authority, such action is Perjury, Felony, Treason, Anarchy, Outlaw. A sanctified version of government lynching; a respectably camouflaged banana-republic.

The kindest thing to be said about the government of the United States is that it is improper; and no Christian is required to

obey an improper order from an improper government (Nuremberg; Scripture). By subtle de-celts the government has attempted to disguise the fact that it is NOT the nation, and is NOT the Constitution; but is truly a separate entity. The United States is one thing. The government of is something else...and the twain is rapidly growing further and further apart.

Plaintiff remains a Citizen of the United States...but not of the government of the United States until such time as the Article 6 becomes more than a ridiculous, locker room sneer.

For too long the government-of has been masquerading as the United States. It is not. It is a separate entity that has refined the action of slithering into a respectable art form. What could be more absurd? For, slithering remains slithering no matter what fancy name or semantic rhetoric be applied.

Furthermore, no petition before the courts: "U.S.A. v Victim" is lawful, legal, Constitutional or valid. The U.S.A. is not in the action...it is the government-of, and not being listed, thus make the petition a FRAUD. In order to have the petition by the U.S.A.... the ENTIRE U.S.A. must be in that courtroom; and, where Plaintiff has no intention of appearing to prosecute other helpless victims, the petition thus becomes void, and unenforceable, for the entire U.S.A. has not appeared; and thus must be dismissed for failure to prosecute.

Sovereign Citizen Sovereign Immunity has clearly stated his position; and has demanded Evidentiary Hearing and Proof any CRIME has been committed. Under the Common Law Public Wrong, the BURDEN-OF-PROOF remains upon the government. To date they have timely failed to prove; and thus have Admitted, Admitted/Averred as TRUE there is no crime, none has been committed and that no restraints...of any kind...can be pilloried upon the victim.

Thereby, Sovereign Citizen Sovereign Immunity disclaims any and all alleged jurisdiction/authority for violation of Constitutional Rights' and revokes "consent of governed" (Declaration of Independence).

pro se  
forma pauperis

Sovereign Citizen; Preamble  
A. 9, 10

Sovereign Immunity; Preamble  
A. 9, 10

Affidavit/Theological Judgment



7X15C stamps

90a2

8 Central St.  
Wilmington, Mass.  
August 25, 1978

IRS, treas. dept.  
Federal Bldg  
Lowell, Mass.

ADMITTED, ADMITTED/AVERRED AS TRUE  
PRIMA FACIE EVIDENCE  
re: 1977 tax return.

Just about noon-time, a man representing himself as a Treasury Agent, terrorized my daughter, and attempted to intimidate me. He stated that my 77 tax return had not been accepted; which I corrected in that the Federal Courts have ruled that is a tax return. H didn't arrogantly give a damn about the Federal Courts, and kept demanding that I file a new tax return with him right then and there. I did not refuse.....but pointed out the 1977 matter was in the Federal Courts for claim for refund. I offered to get him the CA No. but he didn't want it. He rushed off before I could get his name and address.

The name and address is here-in demanded.....as possible collusion and conspiracy arising directly or indirectly from filing Civil Rights suits against several IRS agents, etc.

However, now that this matter has been brought to my attention, I do not remember whether I enclosed supporting evidence to the 1977 1040 filed, and herein enclose copies to be ADDED TO THE 1040 filed for 1977, and for ALL YEARS BEFORE AND SINCE until such time as the U.S. Government decides to give back Art 1-810, etc.

I, Edward Wayland, herein charge that the United States Government has failed to protect me, has denied my Constitutional Rights, and such other usurpations as are not listed are not waived.

Edward Wayland pro se  
forma pauperis

Edward Wayland  
8 Central St.  
Wilmington, Mass.

21 page Tax Support enclosure



Regional Director, IRS

Region of \_\_\_\_\_

or  
Director, IRS

For the State of \_\_\_\_\_

Dear Mr. or Madam Director:

We stated on our return, and we repeat the offer now; we are willing to re-file the return, or to amend it, to exactly as you wish, if you or your employees will please show us how we can do it without waiving our 1st, 4th, 5th, 7th, 8th, 9th, 10th, 13th, 14th and 16th Amendment Rights — as well as provisions in the body of the Constitution. Some of these provisions include the clause about revenues from taxation having to be "uniform." We cannot understand how huge foundations and banks are tax-free, while the more we earn the higher is our tax. We also read that scores of millionaires pay no taxes, while we working people are asked to pay their share.

The Constitution represents an inspired document for us: we cherish the liberties and rights which it protects for us. Since you and your fellow workers and employees have by law been required to swear to uphold the Constitution, we feel you have sworn to uphold our Rights under that Constitution. We believe that you agree with us, that nothing you would do would attempt to force us to give up those rights of ours, under the Constitution, which you have sworn to uphold.

Please tell us how we can fill out the return in the traditional and orthodox fashion without waiving our right of privacy under the 4th Amendment. Also, how we can avoid an unreasonable search without warrant and probable cause — It appears to us that to be forced to give some of the information demanded on the tax return submits us — actually, to a search — a search of our papers, effects, and of our minds — all without the required warrants based on oath of probable cause and specified particularity — all demanded by our understanding of the 4th Amendment.

Also, please tell us how we can fill out the return, giving the information requested, without waiving our right not to be a witness against ourselves — said right being ours under our understanding of the 5th Amendment. We have heard that our forefathers were so weary of being harassed and even tortured by the government, that they put the right against self-incrimination in the Constitution to protect good law-abiding citizens even more than for the true criminal. They apparently had long experience with conspiracy within government, wherein by pressures and intimidation — and even by physical torture, good citizens could be convicted because of government's forcing them to be witnesses against themselves.

We have become very concerned about what the IRS could do to us for filling out an innocent, complete, forthright 1040 form. We hear that W. Vaughn Ellsworth, of Mesa, Arizona was convicted of knowingly making a false tax return after his professional accountant swore that he had complete access to and complete disclosure of all financial transactions needed to make Ellsworth's 1968 tax return, that the return was and still does represent the accountant's best ability to make a correct return, that if any error existed in said return, that it was the responsibility of the accountant, rather than that of Mr. Ellsworth. The government admitted that every "dollar" had been banked, that that they had no charge that any income had been concealed, and they had no doubts as to the honesty of the accountant. But with their unlimited resources they were able to convict Mr. Ellsworth because they were out to get him because he had publicly criticized practices of the IRS which he claimed were unconstitutional.

Enclosed are the affidavits of 22 persons who witnessed Mr. Ellsworth's trial at Phoenix in September and October 1975. The affidavits state that after seeing evidence and hearing testimony that they became convinced that any honest tax return could be challenged by IRS and a conviction obtained for making a false return in most cases if the government wanted the conviction badly enough.

In our tax return, we therefore claimed the 5th Amendment in answer to specific questions, as the Supreme

9022  
Court, by a vote of 8 — 0 in the *Garner v US* case, said that we had a right to do. This case upheld an earlier 9th Circuit decision which was referred to in our tax return. The case was Supreme Court No. 74-100, decided March 23, 1976 — and without a dissenting vote by any Supreme Court Justice.

The decision states that a taxpayer can claim the 5th Amendment on a tax return. It also states that even if the right against self-incrimination is claimed erroneously, it could not be proper grounds for a conviction of "willful failure to file."

We have studied what we believe to be the definition of a "dollar." So far as we can find out, the present "dollar" is defined under 31 USC 449 as 1/42.22 of an ounce of fine gold, and that under Section 314 all other coins and currencies must be at a parity thereto. So far as we can find out a standard silver dollar is still 412.5 grains of standard silver. We feel that we did not earn any of those in recent years, nor anything having a "parity" thereto, since we now understand that the government says it will refuse to redeem anything in silver or gold coin — which we thought that the Constitution demanded.

We are also confused as to the meaning of "statutory dollar," Federal Reserve Notes — and their "parity" when they are not redeemable. We have been told that a Federal Reserve Note is an account receivable until it is paid, and that an account receivable does not have to be reported as "gross income" on a cash-basis return. We have also been told that a "bad-debt" is not "income" and that since no one will redeem a Federal Reserve Note, we have not had any dollar income. That unless we make 750 gold or silver dollars, or their equivalent, that we are not required to file. We have chosen to file under protest and to explain our fear of having honest information, because of confusion as to "legal tender," "lawful money," "parity," "gross-income," "accounts receivable," etc. — of having honest information involving such terms being twisted into possible incrimination. Please see the attached affidavits related to these matters.

It is claimed that the government recently prosecuted a taxpayer for claiming too much income. They claimed he made a knowing false statement. While Secretary of the Treasury a few years ago, John Connally stated that 93% of professionally prepared tax returns in the Southeast region of the U.S. were "fraudulent." Such statements make me fearful and reluctant to fill out a return as you ask for it because of your power to call everything "wrong."

Because we have been told that it is a crime not to keep records, and because information from inadequate records could never be perfect, we are afraid to put such information on a tax return and then swear under penalties of perjury that such information is "true, correct and complete." To us, "true, correct and complete" means "perfect." We could not sign such a return without knowing in our hearts that such a return was imperfect. Since under 7206 of the Internal Revenue Code, a knowing misstatement is punishable by three years imprisonment, we, because of the confusion, the state of records, and what we hear the IRS did to Mr. Ellsworth for making a good faith tax return — we are afraid to do other than what the Supreme Court says we can do in the *Garner* case — take the 5th Amendment on our tax return.

We have not been offered federal and state immunity against criminal prosecution. We are afraid to make the slightest factual error on a return after hearing what was done to Mr. Ellsworth.

We therefore close by again offering to re-file, or to amend our return, if you will please show us how to do so without forcing us to waive our Constitutional Rights, and to receive your written guarantee against any criminal prosecution — both federal, state and local — as the result of furnishing you the information you seek.

Unless we hear from you within 10 days we shall assume you are unable to show us how to fill out the return without the violation of our Rights — and that you refuse to offer us the protection against any criminal prosecution resulting from the compelled testimony or information which you seek.

Yours very truly, \_\_\_\_\_

# AFFIDAVIT OF MY UNDERSTANDING OF A UNITED STATES "DOLLAR"

90c2

State of \_\_\_\_\_ }  
County of \_\_\_\_\_ } SS

I, \_\_\_\_\_, of \_\_\_\_\_,  
being first duly sworn, state and depose as follows:

1. My study indicates that under Title 26 United States Code, Section 6012, that I am not a person required to file a tax return unless I had a gross income in excess of seven hundred and fifty dollars (\$750) in one calendar year.

2. My study indicates that there is considerable confusion as to what is a "dollar," and that it is not necessarily the same thing as "lawful money" or "legal tender," and that a Federal Reserve Note cannot be redeemed in either silver "standard" dollars, or "gold-dollars."

3. It is my understanding that Coinage Acts of Congress, starting in 1792, established that the "Standard" dollar of the United States is coined at 416 grains of standard silver, and that Congress later declared that when that dollar wore down to 409 grains it should be removed from circulation, since it no longer represented a full dollar — and that 412.5 grains represented the median, or "Standard" dollar in which the moneys of account of the U.S. should thereafter be maintained — and that such a standard should be binding in the Courts of the United States.

4. I cannot find that the content of the "Standard" silver dollar has ever been changed, although it says in 31 USC 821 that the President can change it to whatever he thinks it should be. Although it doesn't seem to me that he should have any such power, it seems that Congress has delegated it to him; but I don't find that he has used it.

5. I understand that 31 USC 314 demands that the Secretary of the Treasury must maintain a parity of all United States currencies and coins in relation to a "gold-dollar," and that the latest definition of a gold-dollar is in 31 USC 449, wherein it states that the "new par value of the dollar of \$1 equals 0.8289848 Special Drawing Right or, the equivalent in terms of gold, of forty-two and two-ninths dollars per fine troy ounce of gold." I don't find where he has done this, or that a Federal Reserve Note has a true "parity" to gold — since it is not redeemable.

6. To the best of my knowledge, information and belief, I have not earned any of this kind of "gold-dollars" or anything I know of which is in a parity thereto, or redeemable in some parity thereto. And I know that I have not received any "silver dollars" as defined in paragraph 3 above, and haven't for many years.

7. My study indicates that Federal Reserve Notes say they are "legal tender" for all debts, public and private, but to the best of my ability to understand, although the 13 original states gave power to Congress to coin money, and to regulate the value thereof (Article I, Section 8) the states retained for themselves the right to declare legal tender, and were restricted by Article I, Section 10 to only coins of silver or gold. I therefor am puzzled as to how there can be legal tender for debts which are notes of a bank which is claimed to be privately owned — and whose notes are not redeemable — suggesting that they are "accounts receivable" — which cannot be "received," or paid, because there is no longer any promise to redeem them.

8. I understand that "accounts receivable" are not reportable as income by a cash-basis taxpayer. I also understand that "bad-debts" are not "income" and that Federal Reserve Notes are either "promises" to pay dollars or "not-promises" to pay dollars. In either case I don't think that they are "gross-income" until I can get them redeemed.

9. I understand "legal tender for debt" is different than "legal tender for the payment of debt" and that notes and checks are not money unless redeemable.

10. I admit that these terms confuse me, and that I am not sure what the current statutory definition of a "dollar" is — and I don't know how to find it in the Internal Revenue Code, and have been told that if I inspect the code from cover to cover that I can never find the definition of a "dollar" there.

11. Therefore, I am really afraid of putting down figures on a 1040 Form, because the government could claim I'd made a "false statement." I do not understand the 1040 Form nor the law as it applies to me relating to "dollars."

Before me, a Notary Public, did appear \_\_\_\_\_, and being first duly sworn, did sign the foregoing Affidavit on this \_\_\_\_\_ day of \_\_\_\_\_, 1978.



# AFFIDAVIT

STATE OF \_\_\_\_\_ )

COUNTY OF \_\_\_\_\_ ) ss

90dz

I, \_\_\_\_\_, of \_\_\_\_\_

being first duly sworn, state and depose as follows:

1. I have heard or read about the conviction of W. VAUGHN ELLSWORTH for the "filing of a false return" for 1968; to the best of my knowledge the government was able to twist good-faith and innocent information on the return into a criminal conviction even though Mr. Ellsworth's accountant testified that he had full access to and complete disclosure of Mr. Ellsworth's financial transactions needed to make his tax return.

2. It is my understanding that Mr. Ellsworth's accountant, in Case No. 75-126 held in US District Court in Phoenix, Arizona between the dates of September 26 and October 2, 1975, swore that he was unaware of any mistake in Mr. Ellsworth's tax return, but that if there were such that the accountant was responsible and that Mr. Ellsworth was not.

3. Because of the reported conviction of Mr. Ellsworth for filing a "knowing false return" while believing it honest, and while his accountant believed it to be honest, I am afraid to fill out my own 1040 in the orthodox fashion for fear that my innocent, honest and good faith information can be twisted against me and used by an all-powerful government to attempt to incriminate me; I therefore am compelled to use the Fifth Amendment to protect myself from what I consider to be criminal government.

4. I am confused about the meaning of "gross income," of "dollars," of "silver dollars," of "gold dollars," of "lawful money," of "legal tender," of "accounts receivable of Federal Reserve Notes which no one will apparently redeem." I understand that a Federal Reserve Note amounts to an account receivable and that an account receivable is not reportable as "income" on a cash basis tax return.

5. The 1040 Form asks that it be signed under penalties of perjury that the return is "true, correct and complete," which apparently means "perfect." I am afraid I cannot make a "perfect" return, since I have heard that IRS agents boast that they can find something wrong with any return.

6. It is my understanding that the US Supreme Court in Case No. 74-100, *Garner v US*, March 23, 1976, has affirmed a taxpayer's right to claim the 5th Amendment on a tax return. I therefore feel I must do so to protect myself against misrepresentation by government.

Before me, a Notary Public, did appear \_\_\_\_\_, and being first duly sworn, did sign the foregoing Affidavit on this \_\_\_\_\_ day of \_\_\_\_\_, 1976.

NOTARY PUBLIC

AFFIDAVIT

9022

STATE OF ARIZONA )  
COUNTY OF MARICOPA ) SS

I, W. VAUGHN ELLSWORTH, being first duly sworn, state and depose as follows.

1. I filed as completely honest a tax return as I knew how for the year 1968.

2. That return was prepared by a professional accountant who had complete disclosure of and access to all my financial transactions, and who truthfully swore he was completely unaware of any mistake in said return, but that if there were one that it was his own responsibility.

3. IRS never dared claim I concealed any income, that I did not bank every cent and turn over all records to said accountant; they also admitted they had absolutely no suspicion of any dishonorableness on his part.

4. Despite this they were able to convict me of "knowingly" making a false return. I swear that I did not.

5. To me this proves that the government can convict you of making a false return even though it be absolutely honest.

6. I can never trust this government again because of the crime they have committed in my case; I cannot recommend that anyone fill out information on a 1040 Form as commanded by the US Government, because from first-hand experience I know they can claim a false return from the most honest of information.

SUBSCRIBED AND SWORN BEFORE  
ME, A NOTARY PUBLIC, THIS 19 DAY OF  
FEBRUARY, 1974.

NOTARY PUBLIC

My commission expires

*W. Vaughn Ellsworth*  
W. VAUGHN ELLSWORTH  
1051 North Grand  
Mesa, Arizona 85201



90F2

STATE OF ARIZONA }  
COUNTY OF MARICOPA }

I, the undersigned, being first duly sworn, state and depose as follows:

1. I witnessed all or part of the trial of W. VAUGHN ELLSWORTH, Case No. 75-126 PHX CM held in US District Court before Judge Carl A. Muecke between September 26 and October 2, 1975.

2. From my observations at the trial and from the testimony given, I became convinced that Mr. Ellsworth had given his accountant of many years standing, complete access to and full disclosure of all of Mr. Ellsworth's financial transactions needed for the accountant to make Mr. Ellsworth's tax return for 1968.

3. I know that the accountant said he believed he had made a proper return, and that it was not questioned until years later; he said that if there were any mistakes in it that they should be charged to him and not to Mr. Ellsworth, and that he, the accountant, assumed full responsibility for any possible error.

4. My observations at Mr. Ellsworth's trial convinced me that although he made what he considered was an honest tax return, and although the accountant made what he considered was a complete and honest tax return, that years later, because of Mr. Ellsworth's outspoken criticisms of the Internal Revenue Service, the government was able to convict him of making a "knowing false return for 1968".

5. Because of what I witnessed, I believe that innocent and honest information given by almost any taxpayer can be twisted and slanted by a powerful IRS to make it appear "suspicious"; I therefore believe that questions on a 1040 Form are not necessarily "innocent" or "innocuous", but can be made easily into deliberate "entrapment" questions even when answered honestly and forthrightly.

<i>James Collins</i> Date signed April 17, 1976	<i>James Collins</i> Date signed April 17, 1976	<i>Richard W. Skou</i> Date signed April 17, 1976
<i>Shirley Collins</i> Date signed 4-17-76	<i>Clayton J. Harnish</i> Date signed 4-17-76	<i>Harry Skousen</i> Date signed 4-17-76
<i>Charles E. Riel</i> Date signed 4-17-76	<i>Kathleen Skousen</i> Date signed 4-17-76	<i>Helene Mitchell</i> Date signed 4-17-76
<i>Benjamin Davis</i> Date signed 4-17-76	<i>Caris D. Riel</i> Date signed 4-17-76	<i>James Skousen</i> Date signed 4-17-76
<i>Lloyd Collins</i> Date signed 4-17-76	<i>Kristine Pina</i> Date signed 4-17-76	<i>James Skousen</i> Date signed 4-17-76
<i>Glenn A. Partidge</i> Date signed 4-17-76	<i>James Skousen</i> Date signed 4-17-76	<i>James Skousen</i> Date signed 4-17-76
<i>Frank Pina</i> Date signed 4-17-76	<i>James Skousen</i> Date signed 4-17-76	<i>James Skousen</i> Date signed 4-17-76

BEFORE ME, A NOTARY PUBLIC, APPEARED THE FOREGOING NAMED, WHO, BEING FIRST DULY SWORN, DID SIGN THE ABOVE AFFIDAVIT IN MY PRESENCE AND IN RESPONSE TO THEIR SIGNATURES.

My commission expires My Commission Expires Dec. 29, 1978



# 9092

## TAX RETURN APPENDIX OF STATEMENTS AND EXHIBITS TO ACCOMPANY PRECEEDING 1040 FORM, LETTER AND AFFIDAVITS

I here wish to apprise you of some of the reasons I have proceeded as I have:

The legal right of a taxpayer to decrease the amount of what otherwise would be his taxes, or altogether avoid them, by means which the law permits, cannot be doubted."

*Gregory v Helvering*, 293 US 465.

In this regard, I must point out that the law which is supreme is the Constitution. The law, or the Constitution, restricts Congress' power to tax to the following: "pay the debts and provide for the common defense and general welfare of the United States;"

Nowhere is there any provision in the Constitution, or is it implied in "providing for the common defense and general welfare of the United States" that I shall be taxed to study the mating calls of Central American frogs or to study the odor of the sweat of the aborigines of Australia. (See attached Exhibit 1).

Don't you agree, sir, that any congressman foolish enough to vote for that should have to go out on to the firing line and attempt to collect funds for such nonsense from the taxpayers themselves? I imagine it truly embarrasses some of your personnel when they have to try and collect funds for such 'on their face' unconstitutional purposes.

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I hope you agree with me that it would be better for those who transgressed the law in the first place—the congressmen who so voted—to attempt to collect the unlawful tax rather than to have personnel of your office violate their oaths to support and uphold the Constitution by attempting such unlawful collections.

If, as stated in the *Gregory* case, above, I am entitled to decrease my taxes or to avoid them altogether if the law permits, then wouldn't you admit that a person properly uses the Constitution to accomplish such end? Especially to avoid paying unwarranted interest to the international bankers who unlawfully control the money cartel in this country, the hidden owners of the Federal Reserve System?

I wish to make it clear that I offer to fill out a 1040 form, to amend these returns, and to make them exactly like you and your IRS personnel desire them, providing that you, or any lawyers, or any judges, can show me how I can do so without waiving or violating my Constitutional rights.

I am aware that the Internal Revenue Service proudly proclaims that the income taxation of the United States is a "voluntary" system. I would like you to clarify what the term "voluntary" means. I always thought that it meant willingly, of one's free choice and decision. However, since there are criminal sanctions imposed for failing to "volunteer" in filling out 1040 forms, what the IRS is apparently doing is saying that "Unless you volunteer you are going to jail." Is that really what you mean?

It has come to my attention that when your Bureau does bring charges against one for filling out a return in a fashion which you do not approve of, that you can charge a person with "willful failure to file" under 26 USC 7203.

In this regard, I have given some thought to the US Supreme Court case of *US v Bishop*, 412 US 346 (1973) which states:

"The requirement of an offence committed WILLFULLY is not met, therefore, IF A TAXPAYER HAS RELIED IN GOOD FAITH UPON A PRIOR DECISION OF THIS COURT". (Emphasis added).

I would like to point out some decisions, mostly of the Supreme Court, which I have relied upon.

"All laws which are repugnant to the Constitution are null and void." Chief Justice Marshall, *Marbury v Madison*, 5 US (1 Cranch) 137, 174, 176 (1803)

Another decision of the Supreme Court which I have relied upon is:

"We find it intolerable that one constitutional right should have to be surrendered in order to assert another. *Simmons v US*, 390 US 389 (1968)"

In this regard, I have under the 1st Amendment, the right to freedom of speech, WHICH INCLUDES THE RIGHT "NOT TO SPEAK". If I am compelled, against my will, to fill out a 1040 form as another wishes it, then it is true, is it not, that I am being compelled to speak on paper?

Under the 1st Amendment I have the right to practice my religious principles and to be true to my conscience so long as I do not trespass another's rights in so doing. It violates my religious convictions to be compelled to uphold unequal taxation, and to finance the socialist and communist ideologies which I know to be a threat to my religious rights.

Under the Fourth Amendment I am guaranteed the right of privacy. If I am compelled by legislation to give up that privacy by being compelled, against my will, to fill out a 1040 form as another wishes, then someone has forced me to waive my right of privacy, correct? And they have done so by pretending to pass a "law" which anyone can see is repugnant to the Constitution. Sure, a law is null and void, according to the Supreme Court decision in *Marbury v Madison*, cited above.

Of course we all know that the Constitution can be changed by Amendment, but we also know that there has never been an Amendment doing away with the Fourth Amendment. Therefore, we all can surely see that any law pretending to force the waiving of the right of privacy has to be null and void until such time as a proper new Amendment nullifies the right of privacy.

Going back to the *Simmons* case, decided by the Supreme Court, I cannot be compelled to surrender my Fourth Amendment right of privacy in order to claim, let us say, the Ninth Amendment right to be let alone by government so long as I do not trespass another's rights.

Taking the Fourth Amendment a little further, it guarantees my rights against unreasonable search. Filling out a 1040 form as the IRS apparently wishes it, would certainly be submitting to a search. Under the Fourth Amendment, before one can be searched a warrant based on sworn testimony giving probable cause that a crime has been committed, and particularly describing things to be searched, must issue. The IRS expects its searching via 1040 forms to bypass this Constitutional safeguard, and apparently expects the taxpayer to waive his right against unreasonable search as he spills out all his private and sacred affairs on your form.

The Fifth Amendment protects me against being a witness against myself. If I fill out a 1040 form as you wish it, it apparently becomes a "confession sheet". The government insists that all true criminals be given "Miranda warnings," advising them that where government is concerned they have no need to speak against their will. Not being compelled to speak against one's self is of little value if one can be compelled to reduce to writing against one's self that which he could not be compelled to speak.

The 5th Amendment also prevents the government from taking my private property (including money) for public use without just compensation. A dose of socialism and compulsory financing of my own destruction is not "just compensation" for taking my private property.



Under the Seventh Amendment of the Constitution of the United States no one can be proceeded against in any civil case where the amount in controversy exceeds \$20 unless he has the protection of a trial by jury. This means that a 1040 form involving that amount or more cannot be compelled at the hands of a taxpayer without the concurrence of a jury of one's peers. How can anyone read any other meaning into the clear language of the Seventh Amendment?

It is cruel, harsh, and unusual punishment for me to be compelled to give up my privacy, be a witness against myself, give up a jury trial, be a reporter and informant against myself, and be a tax collector for the government. I am protected against these things by the Eighth Amendment.

Under the Ninth and Tenth Amendments, I reserve every right and power I have not surrendered up to government. I have never surrendered the right not to be compelled to contribute to my own destruction. I have never given up the right not to be compelled to support that which I despise, and that which I consider to be wicked corruption of government. I have no obligation under these amendments to support Marxism, which is an enemy of everything I hold dear—family, religion, and country. Many people know that the graduated income tax is the number two plank of the Communist Manifesto—designed to betray and debauch a free country such as the United States, bringing it down into Communism.

Under the Thirteenth Amendment, I am protected against involuntary servitude. When I am forced, under threat of criminal prosecution if I decline, to be a record keeper, reporter, informant and tax collector, then I surely am being compelled to give up my Thirteenth Amendment right against involuntary servitude.

In *US v Sullivan*, 274 US 259 at 263:

"... If the form of the return provided called for answers that the Defendant was privileged from making, he could have raised the objection in the return, but could not on that account, refuse to make any return at all..."

This would indicate that I could assert all of my Constitutional objections to the Internal Revenue Code in my returns. This is what I am here doing.

I have tried to list some of my objections. If I object to answering some, or all of the questions on my tax returns because of my Fifth Amendment right against self-incrimination, or the right not to be a witness against myself, then I alone, according to the following Eighth Circuit Court of Appeals case, can and must be the judge of the correctness of such a claim.

"... He must be the sole judge of what his answer would be. The Court cannot participate with him in this judgment because they cannot decide on the effect of his answer without knowing what it would be; and a disclosure of that fact to the judges, would strip him of the privilege which the law allows, and which he claims. *Isaacs v US*, 256 F.2d 654 (1958)

and which case, *Isaacs*, in turn cites *Empah v US*, 349 US 190;

"... Whether such admissions by themselves would support a conviction under a criminal statute is immaterial and that the privilege also extends to admission that may only tend to incriminate."

And, considering judicial review of information sought by the government:

"This 'willful' qualification fully protects one whose refusal is made in good faith and upon grounds which entitle him to the judgment of the court before obedience is compelled. *Federal Power Commissions v Metropolitan Edison Co.*, 304 US 375."

Gentlemen, I would like to ask you how you can justify bringing criminal charges against a person who exercises his Constitutional rights in making his tax returns, in view of the following:

"... to penalize the failure to give a statement which is self-incriminatory, is beyond the power of Congress." *US v Lombardo*, 228 F 980."

and,

"The claim and exercise of a Constitutional right cannot be converted into a crime." *Miller v US*, 230 F 486 at 489.

and in *Miranda v Arizona*, 380 US 436 (1966)

"Where fundamental rights under the Constitution are involved there can be no rule-making or legislation which can abrogate them."

In *Sherer v Cullen*, 481 F 2d 946 (1973), the Ninth Circuit emphasized that:

"... there be no sanction or penalty imposed upon one because of his exercise of Constitutional rights."

Some other cases which I have read parts of or have heard about, and upon which I also rely, include:

*Boyd v US*, 116 US 616 (1885); *Hill v Philpott*, 445 F 2d 144; *Julliard v Greenmen*, 110 US 421; *Kansas v Colorado*, 206 US 46 (1907); *Reisman v Caplin*, 375 US 440 (1964); *US v Murdoch*, 290 US 389 (1933); *US v Tarlowski*, 305 F Supp 112 (1969)

One of the important cases which I rely upon, to show that in any trial a jury is entitled to decide law as well as fact is the famous libel case of Peter Zenger. But probably the most famous case I rely on in this regard is the case of *Georgia v Brailsford*, 3 Dall. 1, (1794).

This case occurred seven years after the writing of the Constitution and three years after the ratification of the Bill of Rights, wherein guarantee of jury trial under the Sixth and Seventh Amendments was clarified.

In this case, Chief Justice Jay, and Associate Justices and former delegates to the Constitutional Convention, Wilson, Blair, and Patterson, and Cushing, who had been Chief Justice of Massachusetts where the opinion in each case was delivered by the jury rather than by the court, united in a charge to a jury in the first jury case under original jurisdiction which was tried by the US Supreme Court.

The Chief Justice, speaking for all of the justices, charged the jury with deciding the "law of the land" which arose from the facts of the case about which there was no dispute.

The taxpayer here recognizes that many so-called laws cannot be maintained and upheld when the jury again realizes its true function—that of deciding whether laws are too harsh or unjust, or whether in a given case, because of the circumstances, they should or should not be applied.

This taxpayer has confidence that a jury which realizes it must render justice and support the Constitution, rather than to support a possible false instruction by a judge who may have violated his oath to support the Constitution, can well decide whether or not the taxpayer's returns comply with the 1st, 4th, 5th, 7th, 8th, 10th, 13th, and 14th Amendments, for example.

A very serious matter is the provision of Section 2 of the Fourteenth Amendment. Making adjustments for Indians, women who now vote, and eighteen year olds who now vote, Section 2 in essence says:

Representatives (Congressional) shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State... But when the right to vote at any election for the choice of... judicial officers of a State... is denied to any of the inhabitants of such State, being eighteen years of age, and citizens of the United States, OR IN ANY WAY ABRIDGED... THE BASIS OF REPRESENTATION THEREIN SHALL BE REDUCED IN THE PROPORTION WHICH THE NUMBER OF SUCH CITIZENS SHALL BEAR TO THE WHOLE NUMBER OF CITIZENS EIGHTEEN YEARS OF AGE IN SUCH STATE. (Emphasis and modification added).

All states require "license" to "practice law" or membership in a Bar, or admission to practice law before the highest court of the State, or other limitation to those who are nominated or elected for judgeships. Some States have a governor-appointed committee nominate candidates from which a governor appoints some to judgeships. THE PEOPLE, THEN, ARE RESTRICTED OR ABRIDGED IN THEIR RIGHT TO VOTE AT AN ELECTION FOR THE "CHOICE... OF JUDICIAL OFFICERS OF A STATE." In States where judges are appointed, the people are usually restricted in elections to voting, in effect: "Should Judge 'Bar-favorite', or 'Governor-

favorite', be continued in office?" If the majority of the people vote that said judge should not be continued in office, the governor usually appoints another from the "approved" list.

There is absolutely no way to get around the fact that this constitutes a denial, a restriction, an abridgement—on the people's right to choose, the people's right to nominate, and the people's right to vote for a judge of their choice in an election for the judicial officers of the State.

Even further, municipalities are subdivisions of a State. In many cities a city council appoints the magistrates or judges and the people never have a right to vote for such judicial officers of the State.

These practices "abridge" the right to vote for judicial officers of the State. They abridge the right to so vote of ALL who are citizens of the United States and over eighteen years of age and otherwise qualified to vote in their own State. THE ABRIDGMENT OF THE RIGHT OF "ALL" OF THOSE OVER EIGHTEEN, means that the proportion they bear to the rest of the inhabitants of the State is approximately 100%—OR, ALL TO ALL!

Therefore, all such states qualifying or "restricting" or "abridging" the free right to nominate any candidate for judge and to freely vote for any candidate for judge, must lose their representation in Congress by that proportion in which they abridge the right to vote of otherwise eligible voters—the proportion that bears to the whole number of inhabitants of the state over eighteen.

In effect, this means that most states, possibly all, have actually lost their representation, or most of it, in the House of Representatives in Congress, effective with the passing of the Fourteenth Amendment, whenever they have gone to appointed judges and very restricted nominations of the same.

This means that many Congressmen now serving are doing so unlawfully, and that votes they have cast over the past 100 years are subject to challenge and recapitulation.

This means, that very likely the 16th Amendment—the Income Tax Amendment—was never properly passed by Congress, since there was in effect an illegal House of Representatives—as there still is.

This means that the Federal Reserve Act and the passing

and ratification of the Income Tax Amendment are probably null and void. If the States have lost their representation in Congress, it means that again we have "taxation without representation", which justified active revolution against the Crown of England by our inspired Founding Fathers.

FOR ALL OF THE FOREGOING REASONS, plus the fact that I have not received enough "Statutory dollars"—as I understand the term, to even be required to file a tax return, I feel that the returns I have submitted far exceed my obligations under the law.

You can see from the foregoing that there are many Americans who feel that the Graduated Income Tax based on irredeemable 'money' is a violation of their Constitutional rights.

This sentiment is sometimes shared by the courts; judges often differ in different jurisdictions as to how to interpret tax laws. The different circuits of the appeal courts often differ on such matters.

As you know, the Supreme Court of the United States often divides 5-4, 6-3, 7-2, and so forth, on tax matters.

It is interesting to note in this regard the ruling of a Federal District Court in Pennsylvania—that those of the "Friends"—Quakers, who conscientiously opposed the war in VietNam could avoid the withholding tax on their salaries, proportionate to the amount of expenditures going for the war!

It is also very important to note that the Supreme Court of Pennsylvania struck down as unconstitutional the graduated income tax for that State, which was copied after the United States Internal Revenue Code. It amounted to unequal taxation under the law to different persons and groups.

It is also very interesting to know that persons who have deliberately taken the same problem to different IRS offices for assistance have received different answers at each office.

In conclusion, again let me say, I do not refuse to pay any valid Constitutional tax; I offer to change my return and my past returns and to make them as you wish whenever you show me how I can do so without waiving my Constitutional rights.

## HOW CONGRESS SPENDS TAXES

Virginia Polytechnic Institute received a \$19,600 grant for development of a "genetic stock center" for German cockroaches. This grant was to supplement an earlier funding of \$17,000. Officials say the grant will enable the "preservation of 55 mutant types of the German cockroach."

The Interior Department has estimated that the occupation of Wounded Knee, South Dakota by the revolutionary American Indian Movement (A.I.M.) cost us taxpayers between \$5 and \$7 million.

The following are only a part of the more wasteful, ridiculous programs and the amount of tax dollars they cost:

- \$5,000 for investigation of the diving behavior of seals.
- \$20,324 for study of the mating calls of Central American frogs.
- \$20,000 in research on the blood groups of Polish Zlotnika pigs.
- \$70,000 to learn about the smell of perspiration given off by the Australian aborigines.
- \$17,000 on a dry cleaning plant so that the Bedouins can have clean djellabas.
- \$32,459 to the officials of Kenya for the purchase of extra wives.

\$5,000 award for a poem entitled: "light."

\$28,361 to Turkey for an odor-measuring machine.

\$2 million to Marshal Tito for his purchase of a yacht.

\$203,979 to Travelers Aid to help migrants lost on the Los Angeles freeways.

\$5,000 to complete an experimental analysis of violin varnish.

\$50,000 toward the documentation of the Weltanschauung of the Gauliro Indians of Columbia.

\$22,000 to the University of Arkansas for not planting rice.

\$19,000 to Libby McNeil for not planting rice.

\$14,000 to the Ford Motor Co. for not planting wheat.

\$19,300 to study why children fall off tricycles.

\$375,000 to study the frisbee.

\$50,000 to study wild sheep and goats in Pakistan.

\$59,000 annually for upkeep on government's cache of 3 million pounds of feathers. (Count Down thinks this last item is symbolic of the fact that our top-heavy bureaucratic government has picked us chickens clean!)



# Foreign Aid: Who Got It?

Editorial Director Dick West has received several requests recently to publish a summation of U.S. foreign aid—specifically, in his words, “who got it—and how much.”

Getting hold of this data isn't easy, but Congressman Otto E. Passman of Louisiana came to the rescue. He is chairman of the Foreign Operations Subcommittee on Appropriations, U.S. House of Representatives.

The table below is our government's “net foreign assistance” as of July 1, 1971, to 127 countries of the world. The total, counting interest “on what we borrowed to give away,” to use Passman's words, is \$212,880,797,000.

There are 68,000 employees throughout the world on the payroll of our foreign-aid program. Involved

are 4,416 projects. “Not a single foreign-aid project has ever been stopped or slowed down for lack of funds,” Passman disclosed.

“This freewheeling spending program has helped push the U.S. public debt to a figure of \$87 billion above the combined public debt of all the other nations of the world.”

Along the same line, this statement was made recently: “If you had begun spending \$1,000 every hour before the birth of Christ, by now you would not have spent one fifth of what the federal government will spend this year.”

The foreign-aid table is below. The last item, W/W, Regional, includes “worldwide” and regional programs entered into jointly by groups of countries—apart from individualized foreign assistance.

Afghanistan	\$ 373,800,000	Bahai	\$ 117,200,000	Portugal	\$ 432,900,000
Albania	20,400,000	Honduras	122,800,000	Romania	10,000,000
Algeria	178,100,000	Hungary	13,300,000	Rwanda	8,000,000
Argentina	341,100,000	Iceland	59,800,000	Saudi Arabia	178,800,000
Australia	584,400,000	India	8,063,600,000	Senegal	40,100,000
Austria	1,218,400,000	Indochina	1,335,200,000	Sierre Leone	44,100,000
Barbados	700,000	Indonesia	1,343,800,000	Singapore	31,300,000
Belgium-Luxem.	1,742,200,000	Iran	1,945,700,000	Somalia	79,300,000
Bolivia	532,000,000	Iraq	90,600,000	South Africa, Rep.	33,300,000
Botswana	19,100,000	Ireland	105,700,000	Southern Yemen	200,000
Brazil	2,738,200,000	Israel	992,000,000	Spain	2,028,400,000
Burundi	7,800,000	Italy	5,528,500,000	Sudan	91,000,000
Burma	158,600,000	Ivory Coast	80,000,000	Swaziland	4,800,000
Cambodia	613,700,000	Jamaica	92,400,000	Sweden	135,500,000
Cameroon	33,500,000	Japan	3,419,800,000	Switzerland	45,300,000
Canada	48,500,000	Jordan	710,000,000	Syrian Arab Rep.	55,700,000
Ken. Africa Rep.	5,600,000	Kenya	77,100,000	Tanzania	73,400,000
Ceylon	178,600,000	Korea	10,059,500,000	Thailand	1,592,400,000
Chad	9,800,000	Kuwait	29,500,000	Togo	17,300,000
Chile	1,281,800,000	Laos	1,449,500,000	Trinidad & Tobago	49,700,000
China, Rep. of	5,086,500,000	Lebanon	98,000,000	Tunisia	609,400,000
Colombia	1,119,400,000	Lesotho	12,100,000	Turkey	3,610,500,000
Congo (B)	4,000,000	Liberia	217,100,000	Uganda	42,500,000
Congo (K)	456,000,000	Libya	221,600,000	United Arab Rep.	759,900,000
Costa Rica	188,200,000	Malagasy Rep.	14,100,000	United Kingdom	7,209,100,000
Cuba	43,700,000	Malawi	26,400,000	USSR	188,400,000
Cyprus	22,400,000	Malaysia	72,600,000	Upper Volta	18,500,000
Czechoslovakia	189,500,000	Mali	30,000,000	Uruguay	184,900,000
Dahomey	12,900,000	Malta	8,300,000	Venezuela	317,600,000
Denmark	873,300,000	Mauritania	5,000,000	Vietnam	15,213,700,000
Dominican Rep.	483,400,000	Mauritius	6,100,000	Western Samoa	2,500,000
East Germany	800,000	Mexico	451,600,000	Yemen	45,300,000
Ecuador	298,700,000	Morocco	731,800,000	Yugoslavia	2,515,600,000
El Salvador	145,400,000	Nepal	157,600,000	Zambia	6,100,000
Equatorial Guinea	300,000	Netherlands	2,033,300,000	Bahamas	31,800,000
Ethiopia	304,100,000	New Zealand	58,800,000	Brit. Honduras	5,900,000
Finland	10,300,000	Nicaragua	165,600,000	Brunei	14,000,000
France	7,059,700,000	Niger	18,900,000	South Rhodesia	1,500,000
Gabon	7,600,000	Nigeria	383,600,000	Surinam	9,200,000
Gambia	3,300,000	Norway	1,127,100,000	West Indies	8,900,000
Ghana	264,800,000	Pakistan	4,484,100,000	Hong Kong	44,700,000
Germany & Berlin	5,632,400,000	Panama	242,300,000	Papua & New Guinea	23,700,000
Greece	3,681,900,000	Paraguay	131,100,000	Ryukyu Islands	463,300,000
Guatemala	355,300,000	Peru	485,200,000	Trust Ter. Pac.	284,200,000
Guinea	113,000,000	Philippines	1,938,600,000	CENTO	54,700,000
Guyana	69,900,000	Poland	437,300,000	W/W, Regional	15,907,600,000

Total Disbursements to Foreign Nations .....	1946-1971	\$108,448,200,000
Interest Paid on What We Borrowed to Give Away .....	1946-1971	74,434,597,000
GRAND TOTAL — COST OF FOREIGN ASSISTANCE .....	1946 THROUGH 1971	\$212,880,797,000

# **GROUND S FOR ASSERTING CONSTITUTIONAL RIGHTS ON THE 1040 TAX RETURN**

*Marchetti vs. United States*, 390 U.S. 39 at page 51:

"... The constitutional privilege was intended to shield the guilty and imprudent as well as the innocent and foresighted;

At page 57:

"... The Government's anxiety to obtain information known to a private individual does not without more render that information public; if it did no room would remain for the application of the constitutional privilege. Nor does it stamp information with a public character that the Government has formalized its demands in the attire of a statute; if this alone were sufficient, the constitutional privilege could be entirely abrogated by any Act of Congress."

*United States vs. Sullivan*, 274 U.S. 259 at page 262:

"The privilege is not limited to testimony, as ordinarily understood, but extends to every means by which one may be compelled to produce information which may incriminate. *Boyd v. United States*, supra; *Brown v. Walker*, 161 U.S. 591. *Distinguishing Hale v. Henkel*, 201 U.S. 43; *Wilson v. United States*, 221 U.S. 361; *Baltimore etc. R. Co. v. Interstate Commerce Commission*, 221 U.S. 612; and *United States v. Sischo*, 262 U.S. 165. See *McCarthy v. Arndstein*, 266 U.S. 34; *United States v. Lombardo*, 228 Fed. 980; *United States v. Dalton*, 286 Fed. 756; *United States v. Mulligan*, 268 Fed. 893; *United States v. Cohen Grocery Co.*, 255 U.S. 81; *United States v. Sherry*, 294 Fed. 684."

At page 263:

"... If the form of return provided called for answers that the defendant was privileged from making he could have raised the objection in the return, but could not on that account refuse to make any return at all."

*Heligman vs. United States*, 407 F.2d 448:

"... The privilege must be specifically claimed on a particular question and the matter submitted to the court for its determination as to the validity of the claim."

*United States vs. Daly*, 481 F.2d 28 (1973)

"The chief error in defendant's position is his blanket refusal to answer any questions on the returns relating to his income or expenses for the years in question."

*Counselman vs. Hitchcock*, 142 U.S. 547:

"We are clearly of opinion that no statute which leaves the party or witness subject to prosecution, after he answers the incriminating question put to him, can have the effect of supplanting the privilege conferred by the Constitution of the United States. . . . In view of the constitutional provision, a statutory enactment, to be valid, must afford absolute immunity against future prosecutions for the offence to which the question relates."

*Hale vs. Henkel*, 201 U.S. 43 at page 74:

"... We are of the opinion that there is a clear distinction in this particular between an individual and a corporation, and that the latter has no right to refuse to submit its books and papers for an examination at the suit of the State. The individual may stand upon his constitutional rights as a citizen. He is entitled to carry on his private business in his own way. His power to contract is unlimited. He owes no duty to the State or to his neighbors to divulge his business, or to open his doors to an investigation, so far as it may tend to incriminate him. He owes no such duty to the State, since he receives nothing therefrom, beyond the protection of his life and property. His rights are such as existed by the law of the land long antecedent to the organization of the State, and can only be taken from him by due process of law, and in accordance with the Constitution. Among his rights are a refusal to incriminate himself, and the immunity of himself and his property from arrest or seizure except under a warrant of the

law. He owes nothing to the public so long as he does not trespass upon their rights. An individual may lawfully refuse to answer incriminating questions unless protected by an immunity statute. . . ." (emphasis added)

*Miranda vs. State of Arizona*, 380 US 436 (1966):

"Privilege against self-incrimination is in part individual's substantive right to private enclave where he may lead private life.

"Constitutional foundation underlying privilege against self-incrimination is the respect a government, state or federal, must accord to dignity and integrity of its citizens.

"Government seeking to punish individual must produce evidence against him by its own independent labors, rather than by cruel, simple expedient of compelling it from his own mouth.

"Privilege against self-incrimination is fulfilled only when person is guaranteed right to remain silent unless he chooses to speak in unfettered exercise of his own will.

"Privilege against self-incrimination protects individual from being compelled to incriminate himself in any manner; it does not distinguish degrees of incrimination.

"Fifth Amendment provision that individual cannot be compelled to be witness against himself cannot be abridged.

"Where rights secured by Constitution are involved, there can be no rule making or legislation which would abrogate them."

*United States vs. Dickerson*, 413 F.2d 1111:

"Only the rare taxpayer would be likely to know that he could refuse to produce his records to IRS agents. . . .

"... Who would believe the ironic truth that the cooperative taxpayer fares much worse than the individual who relies upon his constitutional rights!"

*Congressional Record-Senate*, August 2, 1967, page 20961, denominated "RIGHTS OF TAXPAYERS":

Mr. LONG of Missouri. "Mr. President, I invite the Senate's attention to certain correspondence I have had with Internal Revenue Service Commissioner Sheldon S. Cohen with respect to the legal obligation of citizens to keep records, produce records, and answer questions relating to tax liability.

... Criminal cases have been velled in civil clothing to obtain information illegally. Taxpayers have been bullied and threatened, especially small taxpayers and those without legal assistance.

What should taxpayers do when faced with such a situation? Do all lawyers even know what the obligations of taxpayers are as to record-keeping, record producing, and question answering?

The answer seems to be "No." For this reason, I wrote to Commissioner Cohen on April 17, 1967, and received his reply on July 7, 1967. As his reply is most instructive and will help the Congress, as well as taxpayers, their lawyers and accountants, I ask unanimous consent that the correspondence be printed in the Record."

The following are excerpts from Commissioner Cohen's reply, which was prepared by chief counsel Lester R. Vretz, and denominated U.S. Government Memorandum CC: CL-3487:

"Good faith challenges in the form of constitutional and other federally recognized privileges are of course recognized by the Service. For example, the privilege against self-incrimination under the Fifth Amendment may be a proper basis by an individual taxpayer for refusing to answer specific questions or to furnish his records.

"... Before recommending prosecution under section 7201 or 7203, the Service must usually develop enough information to show a substantial tax liability that was not met in addition to criminal intent.

"... the constitutional rights and other legal rights of all persons will be fully respected and observed."



The Supreme Court, by a vote of 8-0, held in the case of *Garner v. United States*, decided on March 23, 1976, that one could claim the Fifth Amendment privilege against self-incrimination on a tax return, and that unless the privilege was claimed it would be considered as "waived," and that disclosures voluntarily given on the return would not be considered as "compelled" within the meaning of the Fifth Amendment.

The Court acknowledges that a claim of the "privilege" would constitute a defense of a charge of 26 USC 7203—"willful failure to file"—"since a valid claim of privilege cannot be the basis for a 7203 conviction."

The Court goes on to say, "The Fifth Amendment itself guarantees the taxpayer's insulation against liability imposed on the basis of a valid and timely claim of privilege."

In a separate, but concurring opinion, Justices Marshall and Brennan state, "In discussing this question, the Court notes that only a 'willful' failure to make a return is punishable under 7203 and that 'a defendant could not properly be convicted for an erroneous claim of privilege asserted in good faith... since a good-faith erroneous assertion of the privilege does not expose a taxpayer to criminal liability...'"

The two justices also state, "... a good faith erroneous claim of privilege entitles a taxpayer to acquittal under 7203..."

The majority opinion was delivered by Justice Powell, who said, citing *Kastigar v. United States*, 406 U.S. 441 (1972):

"a witness protected by the privilege may rightfully refuse to answer unless and until he is protected at least against the use of his compelled answers and evidence derived therefrom in any subsequent criminal case in which he is a defendant."

The Court went on to say:

"Absent such protection, if he is nevertheless compelled to answer, his answers are inadmissible against him in a later criminal prosecution. *Bram v. United States*, 168 U.S. 532 (1871); *Lefkowitz v. Turley*, 414 U.S. 70, 78 (1973)."

The Court, in its majority opinion, comments on the cases of *Marchetti v. United States*, 390 U.S. 39 (1968) and *Grosso v. United States*, 390 U.S. 62 (1968). Since those involved were gamblers the filing of returns required of gamblers would of itself constitute an incriminating act, since the occupation of gambling was "inherently suspect" and permeated with statutes of criminality, "the Court held that the privilege could be exercised by simply failing to file."

The filer of this tax return has heard that upon receiving a "5th Amendment Tax Return" that the IRS immediately categorizes one who claims said Constitutional right as one "inherently suspect of criminal activity."

If this is so then the taxpayer would appear to have every right granted *Grosso* and *Marchetti*. If the taxpayer's claim of the Fifth Amendment makes him suspect of "criminal activity," according to the doctrine of *Grosso* and *Marchetti*, supra, he could exercise the "privilege" by "simply failing to file" (See page 11 of the slip opinion, *Garner*, above.)

Page 6 The UTAH INDEPENDENT November 19, 1971

## Judge Ritter Declares Rights of Taxpayers

Wayne F. Belnap of Salt Lake City recently brought suit against the Internal Revenue Service because, he claimed, they, by duress, gained access to his records, made copies of them without receiving his permission, and then refused to surrender those copies to him.

Chief Judge Willis W. Ritter of the U.S. District Court, District of Utah, dismissed the case on October 22 and claimed that Belnap had waived his constitutional immunities when he gave the IRS access to his records. The "Transcript of Proceedings" from the October 22 hearing is now available. The remainder of this article contains exact quotations from Judge Ritter as written in the official court records. Some parenthetical explanations have

been added. The actual case is *Wayne Belnap v. U.S., et. al.* (C 149-71).

"All you needed to do is tell him (the IRS agent) you wouldn't say anything or you wouldn't turn anything over to him and keep your mouth shut, and you didn't do that. Now, you have a Constitutional right to do that."

(Page 4) \* \* \*

"The part that is important to you, Mr. Belnap, is that you can't be compelled to be a witness against yourself. That is what I have been telling you about. That Fifth Amendment, in that clause about you can't be compelled to be a witness against yourself, is where you have a Constitutional right that should have been asserted when you turned those records over to him. \* \* \*

## Promises, Promises -- Part 1

# The Great Federal Reserve Note Caper

"...Fed Notes are NOT money - but mere PROMISES to pay.

...The sack of these United States by the Fed is the greatest crime in history... The Fed should be repealed and the Fed Banks having violated their charters, should be liquidated immediately... If the Fed cannot keep their contract with United States citizens to redeem their paper money in gold, or lawful money then the Fed must

be taken over by the United States Government and their officers must be put on trial." Congressman Louis T. McFadden Congressional Record, June 10, 1932, pgs. 12,595 - 12,603

By CLAIRE KELLEY

### PART I

Congressman McFadden knew what he was talking about, for he was himself a banker from Canton, Pennsylvania, elected to the U.S. House of Representatives on BOTH the Republican and Democratic tickets. As President of the First National Bank in Canton, the people in his hometown knew him to be an honest and knowledgeable man. They TRUSTED Louis McFadden and their trust was well founded. He served with distinction for TWENTY YEARS in the Congress of these United States, TWELVE of which were spent as Chairman of the House Committee on Banking and Currency. Congressman McFadden was held, even by his opponents, to be one of the foremost banking authorities

in the country. It's time the American people unplugged their ears and LISTENED to the people who speak with authority and considered what they have to say. The country they save

It is when the government CEASES to honor its OBLIGATION to CONVERT the legal tender to LAWFUL money (coin dollar) that they then cease to be legal tender, no matter how many times the government prints on the bills that they ARE. The mere fact that the present government insists they ARE legal tender,

government borrows money, the credit of the United States is an illusory pledge... WE DO NOT SO READ THE CONSTITUTION... To say that Congress may withdraw or ignore that pledge, is to assume that the Constitution contemplates a vain promise, a pledge having no other sanction than the pleasures and convenience of the pledger. THIS COURT HAS GIVEN NO SANCTION TO SUCH A CONCEPTION OF THE OBLIGATION OF OUR GOVERNMENT." Perry v. United States, 204 US 330 (1935)

This Perry decision goes on to say,

"The Congress CANNOT invoke the sovereign power of the people to override their will. Having this power to authorize the issue of definite obligations for the payment of money borrowed, the CONGRESS has NOT been VESTED WITH AUTHORITY TO ALTER OR DESTROY THOSE OBLIGATIONS."

Even the government's pet case, Knox v. Lee, which they always quote in defense of their unlawful repudiation to give the citizens lawful COIN DOLLARS for the phoney 'Fed Notes' says, "...through whatever changes they pass, their ultimate destiny IS to be paid." Knox v. Lee, 12 Wall 552 at pg. 561-62

On March 18, 1968 President Johnson signed the bill removing the last bit of silver from the Fed 'dollar,' thereby repudiating the government's promise to pay lawful money for the legal tender 'Fed Notes' and without that promise, they have NO VALUE. It is a matter of LAW, not of social acceptance nor of business practice. The Congress did not say that a lawful dollar was a loaf of bread or a dozen eggs and therefore that is not what makes a Fed Note valuable. Why else do you suppose European shopkeepers and businessmen STOPPED accepting phoney 'Fed dollars'? After March 18, 1968 THEY knew

may be their own.

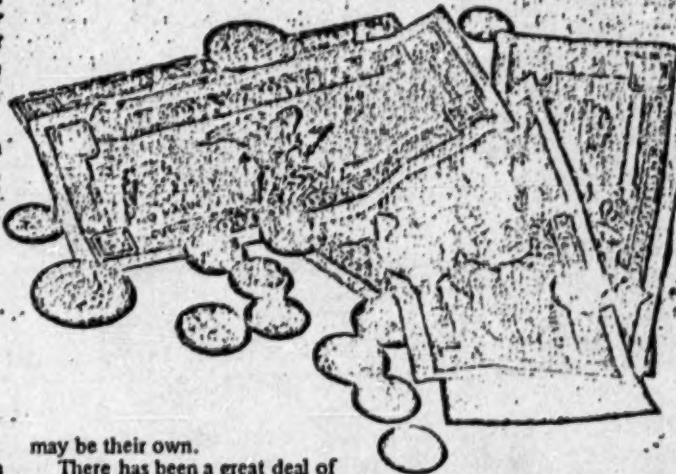
There has been a great deal of propaganda spread around over the past few years by well-meaning patriots and by organizations which 'front' as patriotic, about how we don't really need gold and silver behind our dollar or that Federal Reserve Notes are not worthless because you can go down to the corner and turn them in for 'something of value.' Neither is true.

The Federal Reserve Note is a PROMISE to pay a LAWFUL dollar, as defined by an Act of Congress. As long as LAWFUL dollars ARE paid, upon demand of the holder of said Note, at PAR value (one COIN dollar, for a one dollar note) those 'Fed Notes' ARE good as legal tender for all debts public and private.

against all the law that says they're NOT, proves beyond ANY doubt that we have a government that CONTINUALLY breaks the law and what can you call that, but a criminal government?

To counter this argument, the government says in effect, "Oh, well, we REMOVED the promise to pay, therefore there is no obligation." Well, the Supreme Court has something to say about that, too. Speaking of the government's obligation to 'pay up' when it makes a promise, it said,

"...the government seems to deduce the proposition that when, with adequate authority, the government borrows money, and pledges the credit of the United States, it is free to ignore that pledge and alter the terms of its obligations, in case a later Congress finds their fulfillment inconvenient... The contention necessarily imports that the Congress can disregard the obligations of the government at its discretion and that, when the



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DEPARTMENT OF THE TREASURY  
BUREAU OF ENGRAVING AND PRINTING  
WASHINGTON, D.C. 20228

January 22, 1975

Mr. A. J. Porth  
Tax Consultant  
99 S. Raymond Avenue  
Pasadena, CA 91105

Dear Mr. Porth:

This is in response to your letter of January 20 concerning currency and the Federal Reserve System.

The answer to your first question is yes. This Bureau engraves and prints all United States paper currency.

Based on orders from the Board of Governors, Federal Reserve System, we print for and deliver paper currency to that agency at a cost of slightly in excess of 1¢ per note for any denomination.

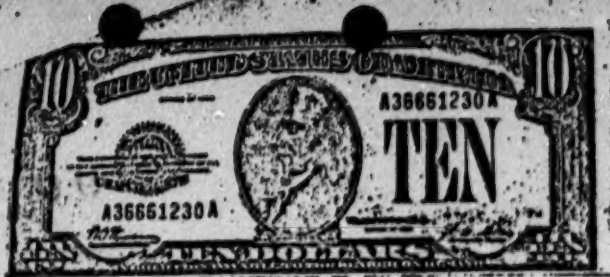
Your last question is one that would have to be answered by the Federal Reserve System. Accordingly I have referred your letter with a copy of this reply to:

Board of Governors  
Federal Reserve System  
Washington, D.C., 20551

Sincerely yours,

H. T. Krisak  
Superintendent  
Management Services Division





### SERIES 1928 GOLD CERTIFICATE

The promises printed on this certificate state:

"This certifies that there have been deposited in the treasury of the United States of America, Ten Dollars in Gold Coin payable to the Bearer on Demand."



### SERIES 1928 FEDERAL RESERVE NOTE

The promises printed on this note state:

"The United States of America will pay to the Bearer on Demand Ten Dollars. Redeemable in Gold on Demand at the United States Treasury."



### SERIES 1934 SILVER CERTIFICATE

The Promises printed on this Certificate state:

"This certifies that there is on deposit in the Treasury of the United States of America, Ten Dollars in Silver payable to the Bearer on Demand."



### SERIES 1934 FEDERAL RESERVE NOTE

The Promises printed on this Note state:

"The United States of America will pay to the bearer on Demand Ten Dollars. Redeemable in Lawful Money at the United States Treasury."



### SERIES 1950 FEDERAL RESERVE NOTE

The Promises printed on this Note state:

"The United States of America will pay to the Bearer on Demand Ten Dollars. Redeemable in Lawful Money at the United States Treasury."



### SERIES 1963 FEDERAL RESERVE NOTE

The Promises\* printed on this Note state:

"THERE ARE NO PROMISES!  
No promise to pay the bearer Ten Dollars on Demand.  
No promise to redeem for anything of value."

The above was taken from the book: "STAY TUNED FOR THE NEXT DEPRESSION BROUGHT TO YOU BY THE GOVERNMENT" by William R. Dobslaw.



90p2

TAYLOR COMMENTARY: Mesa Tribune, January 20, 1971

# Big Brotherism Grows

By HENRY J. TAYLOR

Behind the scenes, a U.S. Senate subcommittee finds that 23 Federal agencies now have direct access to our citizens income tax returns for an official total of 109 reasons. This is not only outrageous but totally dangerous. How come, Big Brother?

The potential abuses are self-evident. Your income tax declaration and all that can be construed from it probably the most private, intimately revealing thing demanded of citizens — started out to be inviolate. Most of the 72 million filers think it is. But, dig out the truth, and what's happening is as bad as if a zoo's walls were crumbling and every animal from wart hogs to grizzly bears were galloping loose.

The harassed Internal Revenue Service is not responsible for this. The outside agencies contrived their own intrusions to the IRS's utter dismay. But what an outrageous opening for scattered bureaucratic insiders, and for crooks, pressure boys, spile artists, political opponents, business rivals and others who can quietly get your declaration by cozy relationships, bribery and other means.

Did you know your tax return is merely up for grabs once you deliver it to Big Brother?

Some of the motives behind the 109 so-called reasons for this

permitted intrusion by the 23 agencies are obscure, and certainly the result contains long-range potentials involving the threat of repression. Like Topay, the number of intruding agencies and the 109 so-called reasons "just grew and grew." Government abuses can acquire their own momentum and grow to have a life of their own, like a spreading cancer.

A roar of national protest should put a stop — and at once — to this and the government's other undercover, unrevealed expansions. Each is one of the hidden activities that is putting an increasing strain on the democratic traditions of American life. How long can these hidden prostitutions of our intended government continue without wrecking every democratic concept in our democratic system?

When a news writer revealed that Army intelligence agents admittedly spied on senatorial candidate Adlai Stevenson III and other Illinois campaigners, New York students, etc., the bureaucratic alibis and buck-passing began. But these secret intruders had invaded the privacy of Americans everywhere like termites covering a log. The official who gave them the opportunity (still unexposed) should have been fired out of hand. Can anything stop abuses like this except the outraged fear of public opinion?

The hodgepodge of Washington bureaus is installing data processing computers at the astounding rate of about 500 a year, with an emphasis on piling up information about citizens everywhere. This shocker goes beyond the installation and paper-work costs, although these alone are as enormous as they are inexcusable.

For example, the Civil Service

Commission, on inquiry, replies that, yes, it now does compile "lead information relating to possible questions" that might come up about countless people. The Justice Department lists 13,200 names of persons known to have urged violence. The Secret Service has developed a Gargantuan file of "persons of interest," including those whose only bid for Secret Service attention is their criticism of government policies. And so it goes. Are we to be curled into a ball of fear?

In the right of privacy or any other right it is a common habit of citizens to cherish it more because they have lost it. But then it is too late. The losses usually come gradually. "It couldn't happen here" is a suicidal philosophy.

Big Brother's intrusion into our American life is not new, nor is its expansion schemed and planned in the sense of a sinister design, of course. Actually, it's a drift. But the drift is on for sure and, for one thing, electronic technological advances are speeding the drift frighteningly.

Today's data processing advances ally Big Brother to acquire, store and use the tremendous files of information Big Brother collects on each of us with a correlation and speed which completely changes the potential for the invasion of privacy.

Even the vastly expanded questions in the 1970 census contribute their heavy share. This is not a count of our population as the Constitution demands. It is, instead, a systematic penetration of our privacy, undoubtedly useful but expanded nevertheless in accord with the sprawling cancer.

The Romans asked: "Who is watching the watchman?" Well, let us ask that question now — and how!

# FREEDOM

U.S. No. XI Dec. Feb.

# INSIDE THE IRS

The Internal Revenue Service has recently been forced to defend its policies and actions from the mounting criticisms of Congress, the media, churches, attorneys, lay groups, clubs and individuals. This growing Tax Rebellion (Freedom X), however, has come from outside the IRS. Criticism from within has been noticeably absent.

With Freedom's exclusive disclosure of nearly 300 pages of confidential IRS documents, the silence began to break.

As a result of a radio talk show on the IRS Papers, a gentleman identifying himself as a former IRS agent of 15 years service called one of our editors, commending FREEDOM for its action. Then, motivated by a belief that only a full-scale investigation and reform from Congress would be the answer to IRS inequities, he agreed to an exclusive FREEDOM interview to tell our readers what it is like to work inside the IRS.

Dean Boyd lives in a small, comfortable home in the hills of Marin County, California. With a dog and two cats sometimes interrupting the conversation, FREEDOM spent the afternoon with Boyd and asked him about the IRS.

**FREEDOM:** What might get you in trouble?

**BOYD:** Questioning IRS policy or making suggestions like there should be the equivalent of public defenders for taxpayers.

**FREEDOM:** Speaking of trouble-makers, did you ever know of instances where an audit was ordered for no other reason than to just "get someone?"

**BOYD:** Sure. You have to remember that in the old days IRS was used as a tool to get those they couldn't get any other way. Al Capone was knocked off by the IRS. If the IRS makes up its mind to go after someone, they do. It comes down from higher up. We just get a "Check into so-and-so and stay on it til you find something." An interesting coincidence, if you want to call it that, was that I got a letter from IRS saying they couldn't find my 1970 return a week after I talked to you on that radio show.

**FREEDOM:** Do you think it was a coincidence?

**BOYD:** Maybe. Maybe not. They don't like criticism.

**FREEDOM:** What determines if someone "higher up" wants an investigation in order to just get someone?

**BOYD:** They are usually politically active, critical of the IRS or Treasury. You get a number of those.

**FREEDOM:** Where do such orders come from?

**BOYD:** The agent never knows. The group chief passes

it on from the District who gets it from Regional who gets it from National. It would always come down verbally, nothing written. We were just told who and to stay with it until we found something.

**FREEDOM:** How is this done?

**BOYD:** There is not a return in the world that an agent can't either find something wrong with or even change to trip up the taxpayer.

**FREEDOM:** Can you give an example?

**BOYD:** About the simplest is with a business. You've examined the records and everything is fine, no problem. It is a "no-change" case. But the business has this building it is writing off as depreciation over, say, 30 years. The agent looks around and says "I think it should be 40 years" and, just like that we've got a new tax to put on him.

**FREEDOM:** Have you worked on cases where all you were doing was carrying out orders to just get someone?

**BOYD:** A number of times, I'm sorry to say. We were always able to find something sooner or later.



# Mesa Tribune

Page Four

Thursday, April 8, 1976



Tom  
Tiede

## IRS Excesses Give Uncle Sam A Black Eye

By TOM TIEDE

WASHINGTON (NEA) — No arm of government is more detested than that of the Internal Revenue Service, and too often with good reason.

It's not that the agency just takes people's money, it's how it does it, or what it does if it can't. The press regularly and wearily report on the occasion of some poor devil somewhere who, after months or years of IRS harassment and abuse, sticks a rifle into his mouth and blows his fears away.

And then there are those who try to stick it out such as Karl Bray of Salt Lake City, Utah, lately of Terminal Island Federal Penitentiary in San Pedro, Cal. No guns for him. Just bars, self-rot and a future that is more of the same.

Bray was a radio commentator when, in the summer of 1971, the IRS came like Brown Shirts into his life. As part of a regular talk show program,

he invited a militant "tax resister" named Marvin Cooley to air his views. Cooley did, saying that he was avoiding his own taxes and advising others to join him in what he called the IRS violations of First and Fifth Amendment rights. Local federal authorities were greatly annoyed, thereafter targeting Bray for close watch and mischief. For starters, they had him fired from his job.

Understandably, the intrusion irked Bray, a libertarian who, if he thought little of the IRS bureaucracy before it came down on him, thought less of it after. He began to organize similarly dissatisfied citizens in Salt Lake City, eventually urging tax protest rallies and tax revolt. His wife, who speaks for her hoodlum husband now that he's safely locked away, says that the more Bray protested, the angrier the IRS became: "The thing about Karl is that he went public, and the IRS just wouldn't stand for it."

(Cooley, a Mesa resident, was later also sentenced in a tax case and has also been serving a term at Terminal Island.)

In retaliation over the next two years, IRS agents allegedly tapped the Bray's phone, nosed about the neighbors asking poisoned questions, even tried to dissuade people from associating with him in business (after the radio job, Bray was self-employed as a dealer in precious metals). Once, says Mrs. Bray, he was hauled off to the police station for nonpayment of a simple parking ticket. Another time he was stopped on a freeway by 12 police cars and 25 officers who said they'd gotten word that he had stolen property in his car.

Finally, he was taken to court as a tax chisler. He received a six-month

sentence for illegal possession of an IRS document (a harmless piece of paper which any citizen may obtain today through proper channels). He was then given a year each on two counts of tax evasion. He is serving his time (six months now) in a medium security prison where he has come to the attention of the warden for his attempts to interest other prisoners in the tax revolt movement.

Admittedly, it is impossible to write of Karl Bray without mixed feelings. Distasteful as it is, and perhaps it is even technically illegal, government tax collection necessary, and the cooperation of citizens is vital. Yet there can be nothing but contempt for law enforcement when it becomes, as in Bray's case, enforcement excess.

Actually, it may even be argued that all things being equal Bray should not be in jail at all. Millions of Americans cheat on their tax payments annually, many of them known to the IRS, yet only a handful are ever prosecuted (about 1,500 a year). Many people even advise the government they are chisling, usually for antiwar or anti-armament purposes, and yet are not thrown in jail. Indeed, the IRS closes its eyes to most tax cheating because it does not have the ability to throw legions of Americans in the slams.

And then there is another, more important consideration here. We have learned from Watergate that our tax returns can be used against us, politically or otherwise. We have learned from experience that our tax money is routinely squandered. And we have learned from the founders that we must not be docile in the face of government abuse.

In this regard, activist Bray may not be so dastardly a fellow after-all.

## U. S. DEPARTMENT OF JUSTICE

WASHINGTON, D. C.  
20530

April 1, 1970

Honorable Robert C. Zampano  
Judge, United States District Court  
Post Office Building  
141 Church Street  
New Haven, Connecticut

Re: United States V. Vivien Kellems  
No. 13, 665

Dear Judge Zampano

Mr. Jeffrey Snow of this office, handling the above-styled case, has informed me that he had a short conversation with you on March 31, 1970. As you know it is the wish of this office, having studied the transcript of the hearing to withdraw our request for enforcement of the three summonses at issue. We are of the opinion that Miss Kellems has properly pleaded the Fifth Amendment privilege against self-incrimination as to her payment records.

We have prepared the enclosed order for your signature.

Sincerely yours

JOHNNIE M. WALTERS  
Assistant Attorney General  
Tax Division

## Enclosure

CC. Steward H. Jones, Esq.  
United States Attorney  
Post Office Building  
141 Church Street  
New Haven, Connecticut 06508

By: JOHN M. MCCARTHY  
Chief  
General Litigation Section

Attn: Richard L. Winter, Esq.  
Assistant United States Attorney

Miss Vivien Kellems  
Newberry Road  
East Haddam, Connecticut 06423



# Declaration of Independence

IN CONGRESS, JULY 4, 1776

*The unanimous Declaration of the thirteen united States of America,*

**W**HEN in the Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the Powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness. Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and accordingly all experience hath shown, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security. — Such has been the patient sufferance of these Colonies; and such is now the necessity which constrains them to alter their former Systems of Government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute Tyranny over these States. To prove this, let Facts be submitted to a candid world.

He has refused his Assent to Laws, the most wholesome and necessary for the public good.

He has forbidden his Governors to pass Laws of immediate and pressing importance, unless suspended in their operation till his Assent should be obtained; and when so suspended, he has utterly neglected to attend to them.

He has refused to pass other Laws for the accommodation of large districts of people, unless those people would relinquish the right of Representation in the Legislature, a right inestimable to them and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their Public Records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved Representative Houses repeatedly, for opposing with manly firmness his invasions on the rights of the people.

He has refused for a long time, after each dissolution, to cause others to be elected; whereby the Legislative Powers, incapable of Annihilation, have returned to the People at large for their exercise; the State remaining in the mean time exposed to all the dangers of invasion from without, and convulsions within.

He has endeavoured to prevent the population of these States; for that purpose obstructing the Laws for Naturalization of Foreigners; refusing to pass others to encourage their migrations hither, and raising the conditions of new Appropriations of Lands.

He has obstructed the Administration of Justice, by refusing his Assent to Laws for establishing Judiciary Powers.

He has made Judges dependent on his Will alone, for the tenure of their offices, and the amount and payment of their salaries.

90+2

He has erected a multitude of New Offices, and sent hither swarms of Officers to harass our people, and eat out their substance.

He has kept among us, in times of peace, Standing Armies without the Consent of our legislatures.

He has affected to render the Military independent of and superior to the Civil Power.

He has combined with others to subject us to a Jurisdiction foreign to our constitution, and unacknowledged by our laws; giving his Assent to their acts of pretended Legislation:

For quartering large bodies of armed troops among us:

For protecting them, by a mock Trial, from Punishment for any Murders which they should commit on the Inhabitants of these States:

For cutting off our Trade with all parts of the world:

For imposing taxes on us without our Consent:

For depriving us in many cases, of the benefits of Trial by Jury:

For transporting us beyond Seas to be tried for pretended offenses:

For abolishing the free System of English Laws in a neighbouring Province, establishing therein an Arbitrary government, and enlarging its Boundaries so as to render it at once an example and fit instrument for introducing the same absolute rule into these Colonies:

For taking away our Charters, abolishing our most valuable Laws, and altering fundamentally the Forms of our Governments:

For suspending our own Legislatures, and declaring themselves invested with Power to legislate for us in all cases whatsoever.

He has abdicated Government here, by declaring us out of his Protection and waging War against us.

He has plundered our seas, ravaged our Coasts, burnt our towns, and destroyed the lives of our people.

He is at this time transporting large armies of foreign mercenaries to complete the works of death, desolation and tyranny, already begun with circumstances of Cruelty & perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the Head of a civilized nation.

He has constrained our fellow Citizens taken Captive on the high Seas to bear Arms against their Country, to become the executioners of their friends and Brethren, or to fall themselves by their Hands.

He has excited domestic insurrections amongst us, and has endeavoured to bring on the inhabitants of our frontiers, the merciless Indian Savages, whose known rule of warfare, is an undistinguished destruction of all ages, sexes and conditions.

In every stage of these Oppressions We have Petitioned for Redress in the most humble terms: Our repeated Petitions have been answered only by repeated injury. A Prince, whose character is thus marked by every act which may define a Tyrant, is unfit to be the ruler of a free people.

Nor have We been wanting in attentions to our British brethren. We have warned them from time to time of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred to disavow these usurpations which would inevitably interrupt our connections and correspondence. They too have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity, which denounces our Separation, and hold them, as we hold the rest of mankind, Enemies in War, in Peace Friends.

We, therefore, the Representatives of the united States of America, in General Congress, Assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the Name, and by authority of the good People of these Colonies, solemnly publish and declare, That these United Colonies are, and of Right ought to be Free and Independent States; that they are Absolved from all Allegiance to the British Crown, and that all political connection between them and the State of Great Britain, is and ought to be totally dissolved; and that as Free and Independent States, they have full power to levy War, conclude Peace, contract Alliances, establish Commerce, and to do all other Acts and Things which Independent States may of right do. And for the support of this Declaration, with a firm reliance on the Protection of Divine Providence, we mutually pledge to each other our Lives, our Fortunes and our sacred Honor.

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# AMENDMENTS TO THE CONSTITUTION

(The first ten Amendments, usually called the Bill of Rights, went into effect December 15, 1791.)

## ★ AMENDMENT I ★

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

## ★ AMENDMENT II ★

A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

## ★ AMENDMENT III ★

No soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war but in a manner to be prescribed by law.

## ★ AMENDMENT IV ★

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

## ★ AMENDMENT V ★

No person shall be held to answer for a capital or other infamous crime unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

## ★ AMENDMENT VI ★

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defence.

## ★ AMENDMENT VII ★

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any court of the United States than according to the rules of the common law.

## ★ AMENDMENT VIII ★

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

## ★ AMENDMENT IX ★

The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

## ★ AMENDMENT X ★

The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

## ★ AMENDMENT XI ★

(adopted 1868)

SECTION 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the law.

SECTION 2. Representatives shall be apportioned among the several states according to their respective numbers, counting the whole number of persons in each state, *excluding Indians not taxed*. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, representatives in Congress, the executive and judicial officers of a state, or the members of the legislature thereof, is denied to any of the male inhabitants of such state being of twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such state.

SECTION 3. No person shall be a senator or representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any state, who having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any state legislature, or as an executive or judicial officer of any state, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid and comfort to the enemies thereof. But Congress may, by a vote of two-thirds of each House, remove such disability.

SECTION 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any state shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations, and claims shall be held illegal and void.

SECTION 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

## ★ AMENDMENT XII ★

(adopted 1913)

The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several states, and without regard to any census or enumeration.



## AN EXCERPT FROM THE BOOK

### "TRIAL BY JURY"

by Lysander Spooner

Published 1852

90v2

#### Chapter One — The Right of Juries to Judge of the Justice of Laws.

For more than six hundred years — that is, since Magna Carta, in 1215 — there has been no clearer principle of English or American constitutional law, than that, in criminal cases, it is not only the right and duty of juries to judge what are the facts, what is the law and what was the moral intent of the accused; but it is also their right, and their primary and paramount duty, to judge of the justice of the law, and to hold all laws invalid, that are, in their opinion, unjust or oppressive, and all persons guiltless in violating, or resisting the execution of such laws.

Unless such be the right and duty of jurors, it is plain that, instead of juries being a "palladium of liberty" — a barrier against the tyranny and oppression of the government — they are really mere tools in its hands, for carrying into execution any injustice and oppression it may desire to have executed.

But for their right to judge of the law, and the justice of the law, juries would be no protection to an accused person, even as to matters of fact; for, if the government can dictate to a jury any law whatever, in a criminal case, it can certainly dictate to them the laws of evidence. That is, it can dictate what evidence is admissible, and what inadmissible, and also what force or weight is to be given to the evidence admitted. And if the government can thus dictate to a jury the laws of evidence, it can not only make it necessary for them to convict on a partial exhibition of the evidence rightfully pertaining to the case, but it can even require them to convict on any evidence whatever that it pleases to offer them.

That the rights and duties of jurors must necessarily be such as are here claimed for them, will be evident when it is considered what the trial by jury is, and what is its object.

"The trial by jury," then, is a "trial by the country" — that is, by the people — as distinguished from a trial by the government.

It was anciently called "trial per pais" — that is, "trial by the country." And now, in every criminal trial, the jury are told that the accused "has, for trial, put himself upon the country; which country you (the jury) are."

The object of this trial "by the country," or by the people, in preference to a trial by the government, is to guard against every species of oppression by the government. In order to effect this end, it is indispensable that the people, or "the country," judge of and determine their own liberties against the government; instead of the government's judging of and determining its own powers over the people. How is it possible that juries can do anything to protect the liberties of the people against the government, if they are not allowed to determine what those liberties are?

Any government, that is its own judge of, and determines authoritatively for the people, what are its own powers over the people, is an absolute government of course. It has all the powers that it chooses to exercise. There is no other — or at least no more accurate — definition of a despotism than this.

On the other hand, any people, that judge of, and determine authoritatively for the government, what are their own liberties against the government, of course retain all the liberties they wish to enjoy. And this is freedom. At least, it is freedom to them; because, although it may be theoretically imperfect, it, nevertheless, corresponds to their highest notions of freedom.

To secure this right of the people to judge of their own liberties against the government, the jurors are taken. (or must be, to make them lawful jurors,) from the body of the people, by lot, or by some process that precludes any previous knowledge, choice, or selection of them, on the part of the government.

This is done to prevent the government's constituting a jury of its own partisans or friends; in other words, to prevent the government's packing a jury, with a view to maintain its own laws, and accomplish its own purposes.

It is supposed that, if twelve men be taken, by lot, from the mass of the people, without the possibility of any previous knowledge, choice, or selection of them, on the part of the government, the jury will be a fair epitome of "the country" at large, and not merely of the party or faction that sustain the measures of the government; that substantially all classes of opinion, prevailing among the people, will be represented in the jury; and especially that the opponents of the government (if the government have any opponents) will be represented there, as well as its friends; that the classes, who are oppressed by the laws of the government, (if any are thus oppressed), will have their representatives in the jury, as well as those classes who take sides with the oppressor — that is, with the government.

It is fairly presumable that such a tribunal will agree to no conviction except such as substantially the whole country would agree to, if they were present, taking part in the trial. A trial by such a tribunal is, therefore, in effect, "a trial by the country." In its results it probably comes as near to a trial by the whole country, as any trial that it is practicable to have, without too great inconvenience and expense. And as unanimity is required for a conviction, it follows that no one can be convicted except for the violation of such laws as substantially the whole country wish to have maintained. The government can enforce none of its laws, (by punishing offenders, through the verdicts of juries,) except such as substantially the whole people wish to have enforced. The government, therefore, consistently with the trial by jury, can exercise no powers over the people, (or, what is the same thing, over the accused person, who represents the rights of the people,) except such as substantially the whole people of the country consent that it may exercise. In such a trial, therefore, "the country," or the people, judge of and determine their own liberties against the government, instead of the government's judging of and determining its own powers over the people.

But all this "trial by the country" would be no trial at all "by the country" but only a trial by the government, if the government could either declare who may, and who may not, be jurors, or could dictate to the jury anything whatever, either of law or evidence, that is of the essence of the trial.

If the government may decide who may, and who may not, be jurors, it will of course select only its partisans, and those friendly to its measures. It may not only prescribe who may, and who may not, be eligible to be drawn as jurors, but it may also question each person drawn as a juror, as to his sentiments in regard to the particular law involved in each trial, before suffering him to be sworn on the panel; and exclude him if he be found unfavorable to the maintenance of such a law.

So, also if the government may dictate to the jury what laws they are to enforce, it is no longer a "trial by the country," but a trial by the government; because the jury then try the accused, not by any standard of their own — not by their own judgments of their rightful liberties — but by a standard dictated to them by the government. And the standard, thus dictated by the government, becomes the measure of the people's liberties. If the government dictate the standard of trial, it of course dictates the results of the trial. And such a trial is no trial by the country, but only a trial by the government; and in it the government determines what are its own powers over the people, instead of the people determining what are their own liberties against the government. In short, if the jury have no right to judge of the justice of a law of the government, they plainly can do nothing to protect the people against the oppressions of the government; for there are no oppressions which the government may not authorize by law.

The jury are also to judge whether the laws are rightly expounded to them by the court. Unless they judge on this point, they do nothing to protect their liberties against the oppressions that are capable of being practised under cover of a corrupt exposition of the laws. If the judiciary can authoritatively dictate to them the law itself, and such laws as they please; because laws are, in practice, one thing or another,

according as they are expounded.

The jury must also judge whether there really be any such law, (be it good or bad,) as the accused is charged with having transgressed. Unless they judge on this point, the people are liable to have their liberties taken from them by brute force, without any law at all.

The jury must also judge of the laws of evidence. If the government can dictate to a jury the laws of evidence, it can not only shut out any evidence it pleases, tending to vindicate the accused, but it can require that any evidence whatever, that it pleases to offer, be held as conclusive proof of any offence whatever which the government chooses to allege.

It is manifest, therefore, that the jury must judge of and try the whole case, and every part and parcel of the case, free of any dictation or authority on the part of the government. They must judge of the existence of the law; of the true exposition of the law; of the justice of the law; and of the admissibility and weight of all the evidence offered; otherwise the government will have everything its own way; the jury will be mere puppets in the hands of the government; and the trial will be, in reality, a trial by the government, and not a "trial by the country." By such trials the government will determine its own powers over the people, instead of the people's determining their own liberties against the government; and it will be an entire delusion to talk, as for centuries we have done, of the trial by jury, as a "palladium of liberty," or as any protection to the people against the oppression and tyranny of the government.

The question, then, between trial by jury, as thus described, and trial by the government, is simply a question between liberty and despotism. The authority to judge what are the powers of the government, and what the liberties of the people, must necessarily be vested in one or the other of the parties themselves — the government, or the people; because there is no third party to whom it can be entrusted. If the authority be vested in the government, the government is absolute, and the people have no liberties except such as the government sees fit to indulge them with. If, on the other hand, that authority be vested in the people, then the people have all liberties, (as against the government) except such as substantially the whole people (through a jury) choose to disclaim; and the government can exercise no power except such as substantially the whole people (through a jury) consent that it may exercise.

The force and justice of the preceding argument cannot be evaded by saying that the government is chosen by the people; that, in theory, it represents the people; that it is designed to do the will of the people; that its members are all sworn to observe the fundamental or constitutional law instituted by the people; that its acts are therefore entitled to be considered the acts of the people; and that to allow a jury, representing the people, to invalidate the acts of the government, would therefore be arraying the people against themselves.

There are two answers to such an argument.

One answer is, that, in a representative government, there is no absurdity or contradiction, nor any arraying of the people against themselves, in requiring that the statutes or enactments of the government shall pass the ordeal of any number of separate tribunals, before it shall be determined that they are to have the force of laws. Our American constitutions have provided five of these separate tribunals, to wit, representatives, senate, executive, jury, and judges, and have made it necessary that each enactment shall pass the ordeal of all these separate tribunals before its authority can be established by the punishment of those who choose to transgress it. And there is no more absurdity or inconsistency in making a jury one of these several tribunals, than there is in making the representatives, or the senate, or the executive, or the judges, one of them. There is no more absurdity in giving a jury a veto upon the laws, than there is in giving a veto to each of these other tribunals. The people are no more arrayed against themselves, when a jury puts its veto upon a statute, which the other tribunals have sanctioned, than they are when the same veto is exercised by the representatives, the senate, the executive, or the judges.

But another answer to the argument that the people are arrayed against themselves, when a jury hold an enactment of the government invalid, is, that the government, and all the departments of the government, are merely the servants and agents of the people; not invested with arbitrary or absolute

authority to bind the people, but required to submit all their enactments to the judgement of a tribunal more fairly representing the whole people, before they carry them into execution, by punishing any individual for transgressing them. If the government were not thus required to submit their enactments to the judgment of "the country," before executing them upon individuals — if, in other words, the people had reserved to themselves no veto upon the acts of the government, the government instead of being a mere servant and agent of the people, would be an absolute despot over the people. It would have all power in its own hands; because the power to punish carries all other powers with it. A power that can, of itself, and by its own authority, punish disobedience, can compel obedience and submission, and is above all responsibility for the character of its laws. In short, it is a despotism.

And it is of no consequence to inquire how a government came by this power to punish, whether by prescription, by inheritance, by usurpation, or by delegation from the people? If it have now but got it, the government is absolute.

It is plain, therefore, that if the people have invested the government with power to make laws that absolutely bind the people, and to punish the people for transgressing those laws, the people have surrendered their liberties unreservedly into the hands of the government.

It is of no avail to say, in answer to this view of the case, that in surrendering their liberties into the hands of the government, the people took an oath from the government, that it would exercise its power within certain constitutional limits; for when did oaths ever restrain a government that was otherwise unrestrained? Or when did a government fail to determine that all its acts were within the constitutional and authorized limits of its power, if it were permitted to determine that question for itself?

Neither is it of any avail to say, that, if the government abuse its power, and enact unjust and oppressive laws, the government may be changed by the influence of discussion, and the exercise of the right of suffrage. Discussion can do nothing to prevent the enactment, or procure the repeal, of unjust laws, unless it be understood that the discussion is to be followed by resistance. Tyrants care nothing for discussions that are to end only in discussion. Discussion, which do not interfere with the enforcement of their laws, are but idle wind to them. Suffrage is equally powerless and unreliable. It can be exercised only periodically; and the tyranny must at least be borne until the time for suffrage comes. Besides, when the suffrage is exercised, it gives no guaranty for the repeal of existing laws that are oppressive, and no security against the enactment of new ones that are equally so. The second body of legislators are liable and likely to be just as tyrannical as the first. If it be said that the second body may be chosen for their integrity, the answer is, that the first were chosen for that very reason, and yet proved tyrants. The second will be exposed to the same temptations as the first, and will be just as likely to prove tyrannical. Whoever heard that succeeding legislatures were, on the whole, more honest than those that preceded them? What is there in the nature of men or things to make them so? If it be said that the first body were chosen from motives of injustice, that fact proves that there is a portion of society who desire to establish injustice? and if they were powerful or artful enough to procure the election of their instruments to compose the first legislature, they will be likely to be powerful or artful enough to procure the election of the same or similar instruments to compose the second. The right of suffrage, therefore, and even a change of legislators, guarantees no change of legislation — certainly no change for the better. Even if a change for the better actually comes, it comes too late, because it comes only after more or less injustice has been irreparably done.

But, at best, the right of suffrage can be exercised only periodically; and between the periods the legislators are wholly irresponsible. No despot was ever more entirely irresponsible than are republican legislators during the period for which they are chosen. They can neither be removed from their office, nor called to account while in their office, nor punished after they leave their office, be their tyranny what it may. Moreover, the judicial and executive departments of the government are equally irresponsible to the people, and are only responsible, (by impeachment, and dependence for their salaries), to these irresponsible legislators. This dependence of the judiciary and



executive upon the legislature is a guaranty that they will always sanction and execute its laws, whether just or unjust. Thus the legislators hold the whole power of the government in their hands, and are at the same time utterly irresponsible for the manner in which they use it.

If, now, the government (the three branches thus really united in one), can determine the validity of, and enforce, its own laws, it is, for the time being, entirely absolute, and wholly irresponsible to the people.

But this is not all. These legislators, and this government, so irresponsible while in power, can perpetuate their power at pleasure, if they can determine what legislation is authoritative upon the people, and can enforce obedience to it? for they can not only declare their power perpetual, but they can enforce submission to all legislation that is necessary to secure its perpetuity. They can, for example, prohibit all discussion of the rightfulness of their authority; forbid the use of the suffrage; prevent the election of any successors; disarm, plunder, imprison, and even kill all who refuse submission. If, therefore, the government (all departments united) be absolute for a day — that is, if it can, for a day, enforce obedience to its own laws — it can, in that day, secure its power for all time — like the queen, who wished to reign but for a day, but in that day caused the king, her husband, to be slain, and usurped his throne.

Nor will it avail to say that such acts would be unconstitutional, and that unconstitutional acts may be lawfully resisted; for everything a government pleases to do will, of course, be determined to be constitutional, if the government itself be permitted to determine the question of the constitutionality of its own acts. Those who are capable of tyranny, are capable of perjury to sustain it.

The conclusion, therefore, is that any government, that can, for a day, enforce its own laws, without appealing to the people, (or to a tribunal fairly representing the people,) for their consent, is, in theory, an absolute government, irresponsible to the people, and can perpetuate its power at pleasure.

The trial by jury is based upon a recognition of this principle, and therefore forbids the government to execute any of its laws, by punishing violators, in any case whatever, without first getting the consent of "the country," or the people, through a jury. In this way, the people, at all times, hold their liberties in their own hands, and never surrender them, even for a moment, into the hands of the government.

The trial by jury, then, gives to any and every individual the liberty, at any time, to disregard or resist any law whatever of the government, if he be willing to submit to the decision of a jury, the questions, whether the law be intrinsically just and obligatory? and whether his conduct, in disregarding or resisting it, were right in itself? And any law, which does not, in such trial, obtain the unanimous sanction of twelve men, taken at random from the people, and judging according to the standard of justice in their own minds, free from all dictation and authority of the government, may be transgressed and resisted with impunity, by whomsoever pleases to transgress or resist it.

The trial by jury authorizes all this, or it is a sham and a hoax, utterly worthless for protecting the people against oppression. If it does not authorize an individual to resist the first and least act of injustice or tyranny, on the part of the government, it does not authorize him to resist the last and the greatest. If it does not authorize individuals to nip tyranny in the bud, it does not authorize them to cut it down when its branches are filled with the ripe fruits of plunder and oppression.

Those who deny the right of a jury to protect an individual in resisting an unjust law of the government, deny him all legal defense whatsoever against oppression. The right of revolution, which tyrants, in mockery, accord to mankind, is no legal right under a government; it is only a natural right to overturn a government. The government itself never acknowledges this right. And the right is practically established only when and because the government no longer exists to call it in question. The right, therefore, can be exercised with impunity, only when it is exercised victoriously. All unsuccessful attempts at revolution, however justifiable in themselves, are punished as treason, if the government be permitted to judge of the treason. The government itself never admits the injustice of its laws, as a legal defence for those who have attempted

a revolution and failed. The right of revolution, therefore, is a right of no practical value, except for those who are stronger than the government. So long, therefore, as the oppressions of a government are kept within such limits as simply not to exasperate against it a power greater than its own, the right of revolution cannot be appealed to, and is therefore inapplicable to the case. This affords a wide field for tyranny; and if a jury cannot here intervene, the oppressed are utterly defenceless.

It is manifest that the only security against the tyranny of the government lies in forcible resistance to the execution of the injustice; because the injustice will certainly be executed, unless it be forcibly resisted. And if it be but suffered to be executed, it must then be borne; for the government never makes compensation for its own wrongs.

Since, then, this forcible resistance to the injustice of the government is the only possible means of preserving liberty, it is indispensable to all legal liberty that this resistance should be legalized. It is perfectly self-evident that where there is no legal right to resist the oppression of the government, there can be no legal liberty. And here it is all-important to notice, that *practically speaking*, there can be no legal right to resist the oppressions of the government, unless there be some legal tribunal, other than the government, and wholly independent of, and above, the government, to judge between the government and those who resist its oppressions; in other words, to judge what laws of the government are to be obeyed, and what may be resisted and held for nought. The only tribunal known to our laws, for this purpose, is a jury. If a jury have not the right to judge between the government and those who disobey its laws, and resist its oppressions, the government is absolute, and the people, *legally speaking*, are slaves. Like many other slaves they may have sufficient courage and strength to keep their masters somewhat in check; but they are nevertheless known to the law only as slaves.

That this right of resistance was recognized as a common law right, when the ancient and genuine trial by jury was in force, is not only proved by the nature of the trial itself, but is acknowledged by history.

This right of resistance is recognized by the constitution of the United States, as a strictly legal and constitutional right. It is so recognized, first by the provision that "the trial of all crimes, except in cases of impeachment, shall be by jury" — that is, by the country — and not by the government; secondly, by the provision that "the right of the people to keep and bear arms shall not be infringed." This constitutional security for "the right to keep and bear arms," implies the right to use them — as much as a constitutional security for the right to buy and keep food would have implied the right to eat it. The constitution, therefore, takes it for granted that the people will judge of the conduct of the government, and that, as they have the right, they will also have the sense, to use arms, whenever the necessity of the case justifies it. And it is a sufficient and legal defence for a person accused of using arms against the government, if he can show, to the satisfaction of a jury, or even any one of a jury, that the law he resisted was an unjust one.

In the American State constitutions also, this right of resistance to the oppressions of the government is recognized, in various ways, as a natural, legal, and constitutional right. In the first place, it is so recognized by provisions establishing the trial by jury; thus requiring that accused persons shall be tried by "the country," instead of the government. In the second place, it is recognized by many of them, as, for example, those of Massachusetts, Maine, Vermont, Connecticut, Pennsylvania, Ohio, Indiana, Michigan, Kentucky, Tennessee, Arkansas, Mississippi, Alabama, and Florida, by provisions expressly declaring that the people shall have the right to bear arms. In many of them also, as, for example, those of Maine, New Hampshire, Vermont, Massachusetts, New Jersey, Pennsylvania, Delaware, Ohio, Indiana, Illinois, Florida, Iowa, and Arkansas, by provisions, in their bills of rights, declaring that men have a natural, inherent, and inalienable right of "defending their lives and liberties." This, of course, means that they have a right to defend them against any injustice on the part of the government, and not merely on the part of private individuals; because the object of all bills of right is to assert the rights of individuals and the people, as against the government, and not as against private persons. It would be a matter of ridiculous supererogation to assert, in a constitution of government, the natural right of men to defend their lives and liberties against private trespassers.

Many of these bills of rights also assert the natural right of all men to protect their property — that is, to protect it against the government. It would be unnecessary and silly indeed to assert, in a constitution of government, the natural right of individuals to protect their property against thieves and robbers.

The constitutions of New Hampshire and Tennessee also declare that "The doctrine of non-resistance against arbitrary power and oppression is absurd, slavish, and destructive of the good and happiness of mankind."

The legal effect of these constitutional recognitions of the right of individuals to defend their property, liberties, and lives, against the government, is to legalize resistance to all injustice and oppression, of every name and nature whatsoever, on the part of the government.

But for this right of resistance, on the part of the people, all governments would become tyrannical to a degree of which few people are aware. Constitutions are utterly worthless to restrain the tyranny of governments, unless it be understood that the people will, by force, compel the government to keep within the constitutional limits. Practically speaking, no government knows any limits to its power, except the endurance of the people. But that the people are stronger than the govern-

ment, and will resist in extreme cases, our governments would be little or nothing else than organized systems of plunder and oppression. All, or nearly all, the advantage there is in fixing any constitutional limits to the power of a government, is simply to give notice to the government of the point at which it will meet with resistance. If the people are then as good as their word, they may keep the government within the bounds they have set for it; otherwise it will disregard them — as is proved by the example of all our American governments, in which the constitutions have all become obsolete, at the moment of their adoption, for nearly or quite all purposes except the appointment of officers, who at once become practically absolute, except so far as they are restrained by the fear of popular resistance.

The bounds set to the power of the government by the trial by jury, as will hereafter be shown, are these — that the government shall never touch the property, person, or natural or civil rights of an individual, against his consent (except for the purpose of bringing them before a jury for trial,) unless in pursuance and execution of a judgment, or decree, rendered by a jury in each individual case, upon such evidence, and such law, as are satisfactory to their own understandings and consciences, irrespective of all legislation of the government.

A-20 The Arizona Republic Phoenix, Sunday, Oct. 8, 1974

## Abortions reportedly cost Medicaid \$50 million

Associated Press

WASHINGTON (AP) — Medicaid, using federal and state funds, is paying up to \$50 million each year to finance more than 220,000 abortions, a Department of Health, Education and Welfare memorandum discloses.

Using figures from seven states, Dr. Louis Hellman, HEW's deputy assistant secretary for population affairs, projected that Medicaid is financing between 222,000 and 278,000 abortions annually.

He said approximately 800,000 legal abortions were performed in 1973 and an estimated 25 per cent involved people who used Medicaid to pay for the operations, at

an average cost of \$180 each.

Hellman said the abortions saved public funds.

"You would have to figure out what would happen to these women if they couldn't get abortions," he said.

The memorandum states that "for each pregnancy among Medicaid eligible women that is brought to term, it is estimated that the first-year cost to federal, state and local governments for maternity and pediatric care and public assistance is approximately \$2,200."

The memorandum was prepared for the Senate Appropriations Committee, which is evaluating the impact of

an amendment to the HEW appropriations bill. The amendment, sponsored by Sen. Dewey F. Bartlett, R-Okla., would cut off abortion funding except when it is needed to save the mother's life.

"The Supreme Court ruled that a mother has the legal right to obtain an abortion," Bartlett said. "However, the court certainly did not require Congress to pay for it."

Federal support for Medicaid, paid through the HEW appropriation, varies among states. It pays a minimum of 50 per cent and a maximum of 83 per cent of Medicaid costs. The largest amounts go to the poorest states.





# Life

or

# Death



**21 Week Baby  
Born Alive**  
(photo, 3 weeks later)

**21 Week Baby  
Killed by Abortion**



### Baby Born at 4½ Months

Marcus Richardson was born 1-1-72 in Cincinnati, Ohio, 19 weeks and 6 days after the first day of his mother's last menstrual period (18 weeks after conception). A pregnancy normally totals 40 weeks. He is pictured here 9 weeks after birth, a perfectly normal child.

Some states use "viability" or ability to survive outside the womb as a measurement of the humanity of the unborn. Thirty years ago, however, "viability" was about 30 weeks. Now it is as early as 20 weeks. In 20 more years it may be at 10 or 12 weeks. What is changing is the increasing sophistication of our external life support systems. The babies are the same. Therefore, "viability" cannot be used to judge the baby's humanity. Rather it measures the skill and equipment of the doctors, nurses, and hospital in which the baby is born.



### Eleven to Twelve Weeks (3 Months)

At this stage all organ systems are functional. He breathes, swallows, digests, and urinates. He is very sensitive to pain, recoiling from pinprick and noise, and seeks a position of comfort when disturbed. Soon he will sleep and wake with his mother. If his amniotic fluid is sweetened, he will swallow more often, if it is made sour he will quit swallowing.

He can be taught by sound signals to anticipate and recoil from a pain stimulus, but no two little ones will respond the same, they are already individuals. At this stage Arnold Gesell has said, "The organization of his psychosomatic self is well underway."

After this time nothing new will develop or function, only further growth and maturation.

Note, he is sucking his thumb.

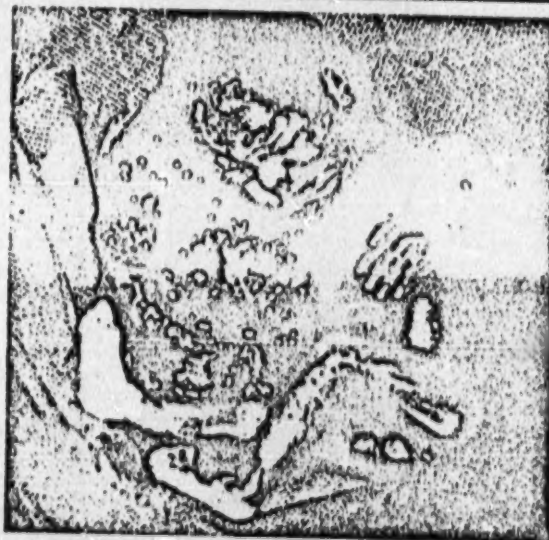


### Caesarean Section Abortion (Hysterotomy)

This method is exactly like a C-section until after the cord is cut. In a Caesarean Section, the baby's phlegm is sucked out, and she is taken to the intensive care, newborn nursery where everything is done to care for her.

The baby in this picture weighing two pounds (a 24 week pregnancy) was to be aborted. She was cut free, dropped in a bucket, and left to die. At this age they all move, breathe and some will even cry.

In 1971, about 4000 of these abortions were done in New York. Since all of these babies are born alive, this means that 4000 babies were aborted alive and left to, or encouraged to, die.



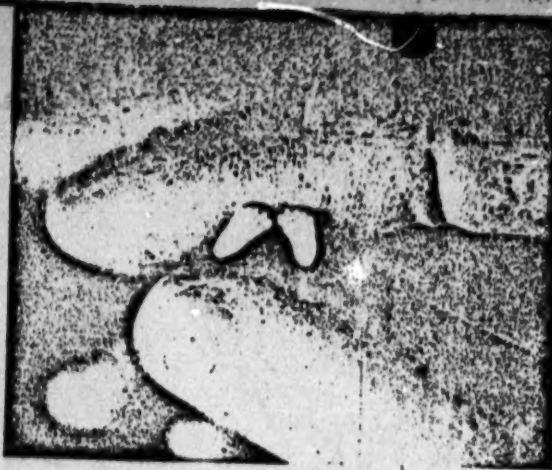
### Salt Poisoning Abortion at 19 Weeks (4½ Months)

This so-called "product of pregnancy" is the result of the second most common type of abortion done in the U.S. and Canada.

This method is done after 16 weeks when enough fluid has accumulated in the sac around the baby. A long needle is inserted through the mother's abdomen into the baby's sac and a solution of concentrated salt is injected into it. The baby breathes in and swallows the salt and is poisoned by it. The outer layer of skin is burned off by its corrosive effect. It takes over an hour to slowly kill a baby by this method.

If the mother is fortunate and does not develop any complications she will go into labor and about one day later will deliver a wretched dead little baby such as the one above.





### Tiny Human Feet at 10 Weeks

These perfectly formed feet demonstrate that the baby's tiny body is completely formed at this time.

- |                |  |
|----------------|--|
| at six weeks   | — "quickening" occurs — that is movement begins.   |
|                | — human brain activity can be recorded on the electroencephalogram.  |
| at 18 days     | — the human heart begins to beat.  |
| at conceptions | — human life begins. At that moment a new being exists—totally different from the body of either the mother or the father (different genetic makeup) |
|                | — human (46 chromosomes)   |
|                | — alive (capable of replacing his own dying cells)   |
|                | — and needing only food and time to grow into an adult human.  |



### Human Life at Eight Weeks (2 Months)

At this stage:

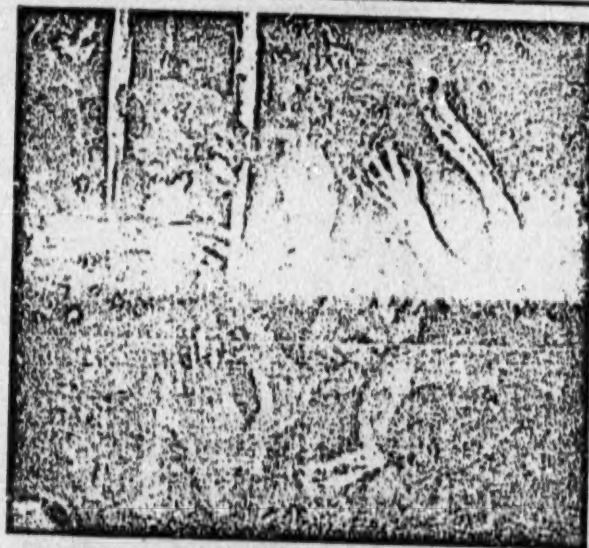
- he (or she) will grab an instrument placed in his palm and hold on
- an electrocardiogram can be done
- he "swims freely in the amniotic fluid with a natural swimmer's stroke"
- with instruments you can hear his heartbeat.



### D&C Abortion at 12 Weeks

Performed between 7 and 12 weeks, this method utilizes a sharp, loop shaped, steel knife. The uterus is entered through the vagina. The cervix (mouth of the womb) is stretched open. The surgeon then cuts the tiny body to pieces and cuts and slices the placenta from the inside walls of the uterus. Bleeding is usually profuse.

One of the jobs of the operating nurse is to reassemble the parts to be sure the uterus is empty, otherwise she will bleed or become infected.



### Suction Abortion at 10 Weeks

Over 75% of all abortions in the U.S. and Canada are done by this method. It is like the D & C except that a powerful suction tube is inserted. This tears apart the body of the developing baby and his placenta, sucking the "products of pregnancy" into a jar. Sometimes the small body parts are recognizable as on this picture.

All of the photos in this brochure have been previously copyrighted and published in HANDBOOK ON ABORTION. This special edition of LIFE OR DEATH was printed with permission, Hayes Publishing Co., Cincinnati, Ohio. Original larger edition available direct from Hayes Pub. Co.

All of the photos in this brochure have been entered as scientifically documented, sworn evidence before the Federal District Court of Connecticut and before the Judiciary Subcommittee of the United States House of Representatives.

## A Doctor's Viewpoint

*Excerpts from a petition that was sent to a general conference by H. Frank Holman, M.D. from Belleville, Ill.*

As a physician I would be remiss if I did not tell you that the U.S. Supreme Court could not have skipped over the fundamental matter of the unborn's right to life if it had not also ignored the latest medical evidence pertaining to the beginning of life. Each new discovery in the field of fetology reveals the amazing uniqueness and complexity of the life hidden within the mother's womb. Yet the Court, in its headlong rush to legalize abortion, blindly refused to recognize the existence of life prior to birth.

In this day of modern medicine there is seldom an instance when a mother's life is placed in jeopardy by her pregnancy. Likewise you should know that pregnancy resulting from rape is now a rare occurrence, provided the victim presents herself promptly for medical examination and treatment. The point which I would like to leave with you is that today very few abortions are performed for medical indications—while hundreds of thousands are done for purely "social reasons."

To fully understand the Court's thrust on abortion it must be remembered that the laws of all the fifty states provided that therapeutic abortions could be legally performed if the mother's life were in danger. In addition, many states had changed their laws in recent years to permit abortion for the protection of the mother's mental health, for rape or incest, and also whenever there was reasonable evidence that the fetus might be born with an incapacitating physical deformity or mental deficiency. These laws were all overturned by a Court bent upon unlimited abortion, even at the expense of the state's laws.

An even more alarming aspect of the Court's decision is its unexpressed implication that some lives have more meaning than others (or that some are more human than others). And further—that the quality of life enters into the consideration of who shall have the right to life. The constitution was enacted to protect the fundamental rights of all the people, and the most precious of



*Dr. Holman, a pathologist, calls his microscope an extension of his right arm.*

these is the right to life. By giving the mother, and her physician, the right to decide whether her unborn child shall have the right to life the Court has breached Constitutional safeguards that protected all human life. A precedent has now been established whereby similar reasoning can be used to justify denying other members of society their right to life.

Events are beginning to unfold that bring to mind the recent history of a certain European country which started down its road of horrors because of similar moral rationalizing. First it practiced abortion on demand. Then came "euthanasia" to free the taxpayers of the burden of providing care to the mentally and physically handicapped. The moral climate which such ethics and practices generated was finally culminated by extermination camps for others who were "less than human," i.e., non-Aryans, political prisoners, and any no longer useful to society.

It is time that we reminded ourselves that, as citizens of a democracy, it is we who are responsible for the conduct of our government. The founding fathers, believing the legislative power should rest with the people, drafted into the Constitution a procedure whereby its articles can be amended to bring the law of the land into conformity with the desires and beliefs of its citizens.

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Moral Majority, Inc.  
499 S. Capitol St., Suite 101  
Washington, D.C. 20003



Chapter 7  
Appendix A

ADMITTED, ADMITTED/AVERRED AS TRUE

PRIMA FACIE EVIDENCE

CONGRESSMAN McFADDEN'S SPEECH  
on  
THE FEDERAL RESERVE SYSTEM

Rep. Louis T. McFadden (R-Pa.) rose from office boy to become cashier and president of the First National Bank, Canton, Pa., before being elected to the U.S. Congress. There he served with distinction for 20 years, including 12 years as Chairman of the Committee on Banking and Currency, making him one of the foremost financial authorities in America. Relentlessly he fought for fiscal integrity and a return to constitutional government.

On June 10, 1932, in the midst of the Great Depression, he addressed the House of Representatives. His historic speech was included in his testimony later before the Rules Committee, in connection with his Herculean efforts to obtain a sweeping investigation of the entire Federal Reserve System, and has been widely reprinted since then.

Here for the first time outside the Halls of Congress is the complete text of his powerful and prophetic message, as it appeared on pages 12595-12603 of the Congressional Record:

MR. McFADDEN. Mr. Chairman, at the present session of Congress, we have been dealing with emergency situations. We have been dealing with the effect of things rather than with the cause of things. In this particular discussion I shall deal with some of the causes that lead up to these proposals. There are underlying principles which are responsible for conditions such as we have at the present time and I shall deal with one of these in particular which is tremendously important in the consideration that you are now giving to this bill.

Mr. Chairman, we have in this country one of the most corrupt institutions the world has ever known. I refer to the Federal Reserve Board and the Federal Reserve Banks. The Federal Reserve Board, a government board, has cheated the Government of the United States, and the people of the United States out of enough money to pay the national debt. The depredations and the iniquities of the Federal Reserve Board and the Federal Reserve banks acting together have cost this country enough money to pay the national debt several times over. This evil institution has impoverished and ruined the people of the United States; has bankrupted itself, and has practically bankrupted our government. It has done this through the defects of the law under which it operates, through the maladministration of that law by the Federal Reserve Board, and through the corrupt practices of the moneyed vultures who control it.

Some people think the Federal Reserve banks are United States Government institutions. They are not government institutions. They are private credit monopolies which prey upon the people of the United States for the benefit of themselves and their foreign customers; foreign and domestic speculators and swindlers; and rich and predatory money lenders. In that dark crew of financial pirates there are those who would cut a man's throat to get a dollar out of his pocket; there are those who send money into states to buy votes to control our legislation; and there are those who maintain an international propaganda for the purpose of deceiving us

9023

and of wheedling us into the granting of new concessions which will permit them cover up their past misdeeds and set again in motion their gigantic train of crime.

Those 12 private credit monopolies were deceitfully and disloyally foisted on this country by bankers who came here from Europe and who repaid us for our hospitality by undermining our American institutions. Those bankers took money out of this country to finance Japan in a war against Russia. They created a reign of terror in Russia with our money in order to help that war along. They instigated separate peace between Germany and Russia and thus drove a wedge between the allies in the World War. They financed Trotsky's mass meetings of discontent and rebellion in New York. They paid Trotsky's passage from New York to Russia so that he might assist in the destruction of the Russian Empire. They fomented and instigated Russian revolution and they placed a large fund of American dollars at Trotsky's disposal in one of their branch banks in Sweden so that through him Russian homes might be thoroughly broken up and Russian children flung far and wide from their natural protectors. They have since begun the breaking up of American homes and the dispersal of American children.

It has been said that President Wilson was deceived by the attentions of the bankers and by the philanthropic poses they assumed. It has been said that when he discovered the manner in which he had been misled by Colonel House, he turned against that busybody, that "holy monk" of the financial empire, and showed him the door. He had the grace to do that, and in my opinion he deserves great credit for it.

President Wilson died a victim of deception. When he came to the Presidency he had certain qualities of mind and heart which entitled him to a high place in the councils of this Nation; but there was one thing he was not and which he never aspired to be; he was not a banker. He said that he knew very little about banking. It was, therefore, on the advice of others that the iniquitous Federal Reserve Act, the death warrant of American liberty, became law in his administration.

Mr. Chairman, there should be no partisanship in matters concerning the banking and currency affairs of this country, and I do not speak with any.

In 1912 the National Monetary Association, under the chairmanship of the late Senator Nelson W. Aldrich, made a report and presented a vicious bill called the National Reserve Association bill. This bill is usually spoken of as the Aldrich bill. Senator Aldrich did not write the Aldrich bill. He was the tool, but not the accomplice, of the European-born bankers who for nearly 20 years had been scheming to set up a central bank in this country and who in 1912 had spent and were continuing to spend vast sums of money to accomplish their purpose.

The Aldrich bill was condemned in the platform upon which Theodore Roosevelt was nominated in the year 1912, and in that same year, when Woodrow Wilson was nominated, the Democratic platform, as adopted at the Baltimore convention, expressly stated: "We are opposed to the Aldrich plan for a central bank." This was plain language. The men who ruled the Democratic Party then promised the people that if they were returned to power there would be no central bank established here while they held the reins of government. Thirteen months later that promise was broken and the Wilson administration, under the tutelage of those sinister Wall Street figures who stood behind Colonel House, established here in our free country, the worm-eaten monarchical institution of the "king's bank" to control us from the top downward and to shackle us from the cradle to the grave. The Federal Reserve Act destroyed our old and characteristic way of doing business; it discriminated



against our one-name commercial paper, the finest in the world; it set up the antiquated two-name paper, which is the present curse of this country, and which has wrecked every country which has ever given it scope; it fastened down upon this country the very tyranny from which the framers of the Constitution sought to save us.

One of the greatest battles for the preservation of this Republic was fought at here in Jackson's day, when the Second Bank of the United States, which was founded upon the same false principles as those which are exemplified in the Federal Reserve Act, was hurled out of existence. After the downfall of the Second Bank of the United States in 1837, the country was warned against the dangers that might ensue if the predatory interests, after being cast out, should come back in disguise and unite themselves to the Executive, and through him acquire control of the government. That is what the predatory interests did when they came back in the livery of hypocrisy and under false pretenses obtained the passage of the Federal Reserve Act.

The danger that the country was warned against came upon us and is shown in the long train of horrors attendant upon the affairs of the traitorous and dishonest Federal Reserve Board and the Federal Reserve banks. Look around you when you leave his chamber and you will see evidences of it on all sides. This is an era of economic misery and for the conditions that caused that misery, the Federal Reserve Board and the Federal Reserve banks are fully liable. This is an era of financed crime and in the financing of crime, the Federal Reserve Board does not play the part of a disinterested spectator.

It has been said that the draughtsman who was employed to write the text of the Federal Reserve bill used the text of the Aldrich bill for his purpose. It has been said that the language of the Aldrich bill was used because the Aldrich bill had been drawn up by expert lawyers and seemed to be appropriate. It was indeed drawn up by lawyers. The Aldrich bill was created by acceptance bankers of European origin in New York City. It was a copy and in general a translation of the statutes of the Reichsbank and other European central banks.

Half a million dollars was spent on one part of the propaganda organized by these same European bankers for the purpose of misleading public opinion in regard to it, and for the purpose of giving Congress the impression that there was an overwhelming popular demand for that kind of banking legislation and the kind of currency that goes with it, namely, an asset currency based on human debts and obligations instead of an honest currency based on gold and silver values. Dr. H. Parker Willis had been employed by the Wall Street bankers and propagandists and when the Aldrich measure came to naught and he obtained employment from Carter to assist in drawing a banking bill for the Wilson administration, he appropriated the text of the Aldrich bill for his purpose. There is no secret about it. The text of the Federal Reserve Act was tainted from the beginning.

Not all of the Democratic Members of the Sixty-third Congress voted for this great deception. Some of them remembered the teachings of Jefferson; and through the years, there have been no criticism of the Federal Reserve Board and the Federal Reserve banks so honest, so outspoken, and so unsparing as those which have been voiced here by Democrats. Again although a number of Republicans voted for the Federal Reserve Act, the wisest and most conservative members of the Republican Party would have nothing to do with it and voted against it. A few days before the bill came to a vote, Sen. Henry Cabot Lodge, of Massachusetts, wrote to Sen. John Weeks as follows:



New York City, December 17, 1913

My dear Senator Weeks: \* \* \* Throughout my public life I have supported all measures designed to take the government out of the banking business \* \* \* This bill puts the government into the banking business as never before in our history and makes, as I understand it, all notes government notes when they should be bank notes.

The powers vested in the Federal Reserve Board seem to me highly dangerous, especially where there is political control of the board. I should be sorry to hold stock in a bank subject to such domination. The bill as it stands seems me to open the way to a vast inflation of the currency. There is no necessity of dwelling upon this point after the remarkable and most powerful argument of the senior Senator from New York. I can be content here to follow the example of the English candidate for Parliament who thought it enough "to say ditto to Mr. Burke." I will merely add that I do not like to think that any law can be passed which will make it possible to submerge the gold standard in a flood of irredeemable paper currency.

I had hoped to support this bill, but I cannot vote for it as it stands, because it seems to me to contain features and to rest upon principles in the highest degree menacing to our prosperity, to stability in business, and to the general welfare of the people of the United States.

Very sincerely yours,

Henry Cabot Lodge.

In the 18 years which have passed since Senator Lodge wrote that letter of warning all of his predictions have come true. The government is in the banking business as never before. Against its will it has been made the backer of horse-thieves and card sharps, bootleggers, smugglers, speculators, and swindlers in all parts of the world. Through the Federal Reserve Board and the Federal Reserve bank the riffraff of every country is operating on the public credit of the United States Government. Meanwhile, and on account of it, we ourselves are in the midst of the greatest depression we have ever known. Thus the menace to our prosperity, so feared by Senator Lodge, has indeed struck home. From the Atlantic to the Pacific our country has been ravaged and laid waste by the evil practices of the Federal Reserve Board and the Federal Reserve banks and the interests which control them. At no time in our history has the general welfare of the people of the United States been at a lower level or the mind of the people so filled with despair.

Recently in one of our states 60,000 dwelling houses and farms were brought under the hammer in a single day. According to the Rev. Father Charles E. Coughlin, who has lately testified before a committee of this House, 71,000 houses and farms in Oakland County, Mich. have been sold and their erstwhile owners dispossessed. Similar occurrences have probably taken place in every county in the United States. The people who have thus been driven out are the wastage of the Federal Reserve Act. They are the victims of the dishonest and unscrupulous Federal Reserve Board and the Federal Reserve banks. Their children are the new slaves of the auction block in the revival here of the institution of human slavery.

In 1913, before the Senate Banking and Currency Committee, Mr. Alexander Lassen made the following statement:

"But the whole scheme of a Federal Reserve bank with its commercial-paper basis is an impractical cumbersome machinery, is simply a cover, to find a way to secure the privilege of issuing money and to evade payment of as much tax upon circulation as possible, and then control the issue and maintain, instead of reduce,

interest rates. It is a system that, if inaugurated, will prove to the advantage of the few and the detriment of the people of the United States. "It will mean continued shortage of actual money and further extension of credits; for when there is a lack of real money people have to borrow credit to their cost."

A few days before the Federal Reserve Act was passed Sen. Elihu Root denounced the Federal Reserve bill as an outrage on our liberties and made the following prediction:

"Long before we wake up from our dreams of prosperity through an inflated currency, our gold, which alone could have kept us from catastrophe, will have vanished and no rate of interest will tempt it to return."

If ever a prophecy came true, that one did. It was impossible, however, for those luminous and instructed thinkers to control the course of events. On December 23, 1913, the Federal Reserve bill became law and that night Colonel House wrote to his hidden master in Wall Street as follows:

"I want to say a word of appreciation to you for the silent but no doubt effective work you have done in the interest of currency legislation and to congratulate you that the measure has finally been enacted into law. We all know that an entirely perfect bill, satisfactory to everybody, would have been an impossibility, and I feel quite certain fair men will admit that unless the President had stood as firm as he did we should likely have had no legislation at all. The bill is a good one in many respects; anyhow, good enough to start with and to let experience teach us in what direction it needs perfection, which in due time we shall then get. In any event you have personally good reason to feel gratified with what has been accomplished"

The words "unless the President had stood as firm as he did we should likely have had no legislation at all", were a gentle reminder that it was Colonel House himself, the "holy monk", who had kept the President firm.

The foregoing letter affords striking evidence of the manner in which the predatory interests then sought to control the Government of the United States by surrounding the Executive with the personality and the influence of a financial Judas. Left to itself and to the conduct of its own legislative function without pressure from the Executive, the Congress would not have passed the Federal Reserve Act. According to Colonel House, and since this was his report to his master, we may believe it to be true, the Federal Reserve Act was passed because Wilson stood firm; in other words because Wilson was under the guidance and control of the most ferocious usurers in New York through their hireling, House. The Federal Reserve Act became law the day before Christmas Eve in the year 1913, and shortly afterwards the German international bankers, Kuhn, Loeb & Co., sent one of their partners here to run it.

In 1913, when the Federal Reserve bill was submitted to the Democratic caucus, there was a discussion in regard to the form the proposed paper currency should take.

The proponents of the Federal Reserve Act, in their determination to create a new kind of paper money, had not needed to go outside of the Aldrich bill for a model. By the terms of the Aldrich bill, bank notes were to be issued by the National Reserve Association and were to be secured partly by gold or lawful money and partly by circulating evidences of debt. The first draft of the Federal Reserve



bill presented the same general plan, that is, for bank notes as opposed to government notes, but with certain differences of regulation.

When the provision for the issuance of Federal Reserve Notes was placed before President Wilson he approved of it, but other Democrats were more mindful of Democratic principles and a great protest greeted the plan. Foremost amongst those who denounced it was William Jennings Bryan, the Secretary of State. Bryan wished to have the Federal Reserve Notes issued as government obligations. President Wilson had an interview with him and found him adamant. At the conclusion of the interview Bryan left with the understanding that he would resign if the notes were made bank notes. The President then sent for his Secretary and explained the matter to him. Mr. Tumulty went to see Bryan and Bryan took from his library shelves a book containing all the Democratic platforms and read extracts from them bearing on the matter of the public currency. Returning to the President, Mr. Tumulty told him what had happened and ventured the opinion that Mr. Bryan was right and that Mr. Wilson was wrong. The President then asked Mr. Tumulty to show him where the Democratic Party in its national platforms had ever taken the view indicated by Bryan. Mr. Tumulty gave him the book, which he had brought from Bryan's house, and the President read very carefully plank after plank on the currency. He then said, "I am convinced there is a great deal in what Mr. Bryan says," and thereupon it was arranged that Mr. Tumulty should see the proponents of the Federal Reserve bill in an effort to bring about an adjustment of the matter.

The remainder of this story may be told in the words of Senator Glass. Concerning Bryan's opposition to the plan of allowing the proposed Federal Reserve Notes to take the form of bank notes and the manner in which President Wilson and the proponents of the Federal Reserve bill yielded to Bryan in return for his support of the measure, Senator Glass makes the following statement:

"The only other feature of the currency bill around which a conflict raged at this time was the note-issue provision. Long before I knew it, the President was desperately worried over it. His economic good sense told him the notes should be issued by the banks and not by the government; but some of his advisers told him Mr. Bryan could not be induced to give his support to any bill that did not provide for a 'Government Note'. There was in the Senate and House a large Bryan following which, united with a naturally adversary party vote, could prevent legislation. Certain overconfident gentlemen proffered their services in the task of 'managing Bryan'. They did not budge him. \* \* \* When a decision could no longer be postponed the President summoned me to the White House to say he wanted Federal Reserve Notes to 'be obligations of the United States.' I was for an instant speechless. With all the earnestness of my being I remonstrated, pointing out the unscientific nature of such a thing, as well as the evident inconsistency of it.

"There is not, in truth, any Government obligation here, Mr. President," I exclaimed. "It would be a pretense on its face. Was there ever a government note based primarily on the property of banking institutions? Was there ever a government issue not one dollar of which could be put out except by demand of a bank? The suggested government obligation is so remote it could never be discerned," I concluded, out of breath.

"Exactly so, Glass," earnestly said the President. "Every word you say is true; the government liability is a mere thought. And so, if we can hold to the substance of the thing and give the other fellow the shadow, why not do it, if thereby we may save our bill?"



Shadow and substance! One can see from this how little President Wilson knew about banking. Unknowingly, he gave the substance to the international banker and the shadow to the common man. Thus was Bryan circumvented in his efforts to uphold the Democratic doctrine of the rights of the people. Thus the "unscientific blur" upon the bill was perpetrated. The "unscientific blur", however, was not the fact that the United States Government, by the terms of Bryan's edict, was obliged to assume as an obligation whatever currency was issued. Mr. Bryan was right when he insisted that the United States should preserve its sovereignty over the public currency. The "unscientific blur" was the nature of the currency itself, a nature which makes it unfit to be assumed as an obligation of the United States Government. It is the worst currency and the most dangerous this country has ever known. When the proponents of the act saw that Democratic doctrine would not permit them to let the proposed banks issue the new currency as bank notes, they should have stopped at that. They should not have foisted that kind of currency, namely, an asset currency, on the United States Government. They should not have made the government liable on the private debts of individuals and corporations and, least of all, on the private debts of foreigners.

The Federal Reserve Note is essentially unsound.

As Kemmerer says:

"The Federal Reserve Notes, therefore, in form have some of the qualities of government paper money, but, in substance, are almost a pure asset currency possessing a government guaranty against which contingency the government has made no provision whatever."

Hon. E.J.Hill, a former Member of the House, said, and truly:

"\* \* \* They are obligations of the government for which the United States has received nothing and for the payment of which at any time it assumes the responsibility looking to the Federal Reserve Bank to recoup itself."

If the United States Government is to redeem the Federal Reserve Notes when the general public finds out what it costs to deliver this flood of paper money to the 12 Federal Reserve banks, and if the government has made no provision for redeeming them, the first element of their unsoundness is not far to seek.

Before the Senate Banking and Currency Committee, while the Federal Reserve bill was under discussion, Mr. Crozier, of Cincinnati, said:

"In other words, the imperial power of elasticity of the public currency is wielded exclusively by these central corporations owned by the banks. This is a life and death power over all local banks and all business. It can be used to create or destroy prosperity, to ward off or cause stringencies and panics. By making money artificially scarce interest rates throughout the country can be arbitrarily raised and the bank tax on all business and cost of living increased for the profit of the banks owning these regional central banks, and without the slightest benefit to the people. These 12 corporations together cover the whole country and monopolize and use for private gain every dollar of the public currency and all public revenues of the United States. Not a dollar can be put into circulation among the people by their Government without the consent of and on terms fixed by these 12 private money trusts."

In defiance of this and all other warnings, the proponents of the Federal Reserve Act created the 12 private credit corporations and gave them an absolute

anti-trust

monopoly of the currency of the United States, not of Federal Reserve Notes alone, but of all the currency, the Federal Reserve Act providing ways by means of which the gold and general currency in the hands of the American people could be obtained by the Federal Reserve banks in exchange for Federal Reserve Notes, which are not money but merely promises to pay money. Since the evil day when this was done the initial monopoly has been extended by vicious amendments to the Federal Reserve Act and by the unlawful practices of the Federal Reserve Board and the Federal Reserve banks.

Mr. Chairman, when a Chinese merchant sells human hair to a Paris wigmaker and bills him in dollars, the Federal Reserve banks can buy his bill against the wigmaker and then use that bill as collateral for Federal Reserve Notes. The United States Government thus pays the Chinese merchant the debt of the wigmaker and gets nothing in return except a shady title to the Chinese hair.

Mr. Chairman, if a Scotch distiller wishes to send a cargo of Scotch whisky to the United States, he can draw his bill against the purchasing bootlegger in dollars; and after the bootlegger has accepted it by writing his name across the face of it, the Scotch distiller can send that bill to the nefarious open discount market in New York City, where the Federal Reserve Board and the Federal Reserve banks will buy it and use it as collateral for a new issue of Federal Reserve Notes. Thus the Government of the United States pays the Scotch distiller for the whisky before it is shipped; and if it is lost on the way, or if the Coast Guard seizes it and destroys it, the Federal Reserve banks simply write off the loss and the government never recovers the money that was paid to the Scotch distiller. While we are attempting to enforce prohibition here, the Federal Reserve Board and the Federal Reserve banks are financing the distillery business in Europe and are paying bootleggers' bills with the public credit of the United States Government.

Mr. Chairman, if a German brewer ships beer to this country or anywhere else in the world and draws his bill for it in dollars, the Federal Reserve banks will buy that bill and use it as collateral for Federal Reserve Notes. Thus, they compel our government to pay the German brewer for his beer. Why should the Federal Reserve Board and the Federal Reserve banks be permitted to finance the brewing industry of Germany, either in this way or as they do by compelling small and fearful United States banks to take stock in the Isenbeck brewery and in the German bank for brewing industries?

Mr. Chairman, if Dynamit Nobel of Germany wishes to sell dynamite to Japan to use in Manchuria or elsewhere, it can draw its bill against its Japanese customers in dollars and send that bill to the nefarious open discount market in New York City, where the Federal Reserve Board and the Federal Reserve banks will buy it and use it as collateral for a new issue of Federal Reserve Notes, while at the same time the Federal Reserve Board will be helping Dynamit Nobel by stuffing its stock into the United States banking system. Why should we send our representatives to the disarmament conference at Geneva while the Federal Reserve Board and the Federal Reserve banks are making our government pay Japanese debts to German munition makers?

Mr. Chairman, if a bean grower of Chile wishes to raise a crop of beans and sell them to a Japanese customer, he can draw a bill against his prospective Japanese customer in dollars and have it purchased by the Federal Reserve Board and the Federal Reserve banks and get the money out of this country at the expense of the American public before he has even planted the beans in the ground.



Mr. Chairman, if a German in Germany wishes to export goods to South America or anywhere else, he can draw his bill against his customer and send it to the United States and get the money out of this country before he ships or even manufactures the goods.

Mr. Chairman, why should the currency of the United States be issued on the strength of Chinese human hair? Why should it be issued on the trade whims of a wigmaker? Why should it be issued on the strength of German beer? Why should it be issued on a crop of unplanted beans to be grown in Chile for Japanese consumption? Why should the Government of the United States be compelled to issue many millions of dollars every year to pay the debts of one foreigner to another foreigner? Was it for this that our national-bank depositors had their money taken out of our banks and shipped abroad? Was it for this they had to lose it? Why should the public credit of the United States Government and likewise money belonging to our national-bank depositors be used to support foreign brewers, narcotic drug vendors, whisky distillers, wigmakers, human-hair merchants, Chilean bean growers, and the like? Why should our national-bank depositors and our government be forced to finance the munition factories of Germany and Soviet Russia?

Mr. Chairman, if a German, in Germany, wishes to sell wheelbarrows to another German, he can draw a bill in dollars and get the money out of the Federal Reserve banks before an American farmer could explain his request for a loan to move his crop to market. In Germany, when credit instruments are being given, the creditors say, "See you, it must be of a kind that I can cash at the reserve." Other foreigners feel the same way. The reserve to which these gentry refer is our reserve, which, as you know, is entirely made up of money belonging to American bank depositors. I think foreigners should cash their own trade paper and not send it over here to bankers who use it to fish cash out of the pockets of the American people.

Mr. Chairman, there is nothing like the Federal reserve pool of confiscated bank deposits in the world. It is a public trough of American wealth in which foreigners claim rights equal to or greater than those of Americans. The Federal Reserve banks are the agents of the foreign central banks. They use our bank depositors' money for the benefit of their foreign principals. They barter the public credit of the United States Government and hire it out to foreigners at a profit to themselves.

All this is done at the expense of the United States Government, and at a sickening loss to the American people. Only our great wealth enabled us to stand the drain of it as long as we did.

I believe that the nations of the world would have settled down after the World War more peacefully if we had not had this standing temptation here—this pool of our bank depositors' money given to private interests and used by them in connection with illimitable drafts upon the public credit of the United States Government. The Federal Reserve Board invited the world to come in and to carry away cash, credit, goods, and everything else of value that was movable. Values amounting to many billions of dollars have been taken out of this country by the Federal Reserve Board and the Federal Reserve banks for the benefit of their foreign principals. The United States has been ransacked and pillaged. Our structures have been gutted and only the walls are left standing. While this crime was being perpetrated everything the world could rake up to sell us was brought in here at our own expense by the Federal Reserve Board and the Federal Reserve banks.



until our markets were swamped with unneeded and unwanted imported goods priced far above their value and thus made to equal the dollar volume of our honest exports and to kill or reduce our favorable balance of trade. As agents of the foreign central banks, the Federal Reserve Board and the Federal Reserve banks try by every means within their power to reduce our favorable balance of trade. They act for their foreign principals and they accept fees from foreigners for acting against the best interests of the United States. Naturally there has been great competition among foreigners for the favors of the Federal Reserve Board.

What we need to do is to send the reserves of our national banks home to the people who earned and produced them and who still own them and to the banks which were compelled to surrender them to predatory interests. We need to destroy the Federal Reserve pool, wherein our national-bank reserves are impounded for the fit of foreigners. We need to make it very difficult for outlanders to draw money away from us. We need to save America for Americans.

Mr. Chairman, when you hold a \$10 Federal Reserve Note in your hand you are holding a piece of paper which sooner or later is going to cost the United States Government \$10 in gold, unless the government is obliged to give up the gold standard. It is protected by a reserve of 40 per cent, or \$4 in gold. It is based on Limburger cheese, reputed to be in a foreign warehouse; or on cans purporting to contain peas but which may contain no peas but salt water instead; or on horse meat, illicit drugs; bootleggers' fancies; rags and bones from Soviet Russia of which the United States imported over a million dollars' worth last year; on wine, whisky, natural gas, on goat or dog fur, garlic on the string, or Bombay ducks. If you like to have paper money which is secured by such commodities, you have it in the Federal Reserve Note. If you desire to obtain the thing of value upon which this paper currency is based—that is, the Limburger cheese, the whisky, the illicit drugs, or any of the other staples—you will have a very hard time finding them. Many of these worshipful commodities are in foreign countries. Are you going to Germany to inspect her warehouses to see if the specified things of value are there? I think not. And what is more, I do not think you would find them if you did go.

Immense sums belonging to our national-bank depositors have been given to Germany on no collateral security whatever. The Federal Reserve Board and the Federal Reserve banks have issued United States currency on mere finance drafts drawn by Germans. Billions upon billions of our money has been pumped into Germany and money is still being pumped into Germany by the Federal Reserve Board and the Federal Reserve banks. Her worthless paper is still being negotiated here and renewed here on the public credit of the United States Government and at the expense of the American people. On April 27, 1932, the Federal Reserve outfit sent \$750,000, belonging to American bank depositors, in gold to Germany. A week later, another \$300,000 in gold was shipped to Germany in the same way. About the middle of May \$12,000,000 in gold was shipped to Germany by the Federal Reserve Board and the Federal Reserve banks. Almost every week there is a shipment of gold to Germany. These shipments are not made for profit on exchange since German marks are below parity against the dollar.

Mr. Chairman, I believe that the national-bank depositors of the United States are entitled to know what the Federal Reserve Board and the Federal Reserve banks are doing with their money. There are millions of national-bank depositors in this country who do not know that a percentage of every dollar they deposit in a member bank of the Federal Reserve System goes automatically to the American agents of foreign banks and that all of their deposits can be paid away to foreigners.

without their knowledge or consent by the crooked machinery of the Federal Reserve Act and the questionable practices of the Federal Reserve Board and the Federal Reserve banks. Mr. Chairman, the American people should be told the truth by their servants in office.

In 1930 we had over half a billion dollars outstanding daily to finance foreign goods stored in or shipped between foreign countries. In its yearly total, this item amounts to several billion dollars. What goods are those upon which the Federal Reserve banks yearly pledge several billion dollars of the public credit of the United States? What goods are those which are hidden in European and Asiatic storehouses and which have never been seen by any officer of this government, but which are being financed on the public credit of the United States Government? What goods are those upon which the United States Government is being obliged by the Federal Reserve banks to issue Federal Reserve Notes to the extent of several billion dollars a year?

The Federal Reserve Board and the Federal Reserve banks have been international bankers from the beginning, with the United States Government as their enforced banker and supplier of currency. But it is nonetheless extraordinary to see those 12 private credit monopolies buying the debts of foreigners against foreigners in all parts of the world and asking the Government of the United States for new issues of Federal Reserve Notes in exchange for them.

I see no reason why the American taxpayers should be hewers of wood and drawers of water for the European and Asiatic customers of the Federal Reserve banks. I see no reason why a worthless acceptance drawn by a foreign swindler as a means of getting gold out of this country should receive the lowest and choicest rate from the Federal Reserve Board and be treated as better security than the note of an American farmer living on American land.

The magnitude of the acceptance racket, as it has been developed by the Federal Reserve banks, their foreign correspondents, and the predatory European-born bankers who set up the Federal Reserve institution here and taught our own brand of pirates how to loot the people--I say the magnitude of this racket is estimated to be in the neighborhood of \$9,000,000,000 a year. In the past ten years it is said to have amounted to \$90,000,000,000. In my opinion, it has amounted to several times as much. Coupled with this you have, to the extent of billions of dollars, the gambling in United States securities, which takes place in the same open discount market--a gamble upon which the Federal Reserve Board is now spending \$100,000,000 a week.

Federal Reserve Notes are taken from the United States Government in unlimited quantities. Is it strange that the burden of supplying these immense sums of money to the gambling fraternity has at last proved too heavy for the American people to endure? Would it not be a national calamity if the Federal Reserve Board and the Federal Reserve banks should again bind this burden down on the backs of the American people and, by means of the long rawhide whips of the credit masters, compel them to enter upon another 17 years of slavery? They are trying to do that now. They are taking \$100,000,000 of the public credit of the United States Government every week in addition to all their other seizures, and they are spending that money in the nefarious open market in New York City in a desperate gamble to reestablish their graft as a going concern.



They are putting the United States Government in debt to the extent of \$100,000,000 a week, and with this money they are buying up our government securities for themselves and their foreign principals. Our people are disgusted with the experiments of the Federal Reserve Board. The Federal Reserve Board is not producing a loaf of bread, a yard of cloth, a bushel of corn, or a pile of cordwood by its check-kiting operations in the money market.

A fortnight or so ago great aid and comfort was given to Japan by the firm of A. Gerli & Sons, of New York, an importing firm, which bought \$16,000,000 worth of raw silk from the Japanese Government. Federal Reserve Notes will be issued to that amount to the Japanese Government, and these notes will be secured by money, belonging to our national-bank depositors.

Why should United States currency be issued on this debt? Why should United States currency be issued to pay the debt of Gerli & Sons to the Japanese Government? The Federal Reserve Board and the Federal Reserve banks think more of the silkworms of Japan than they do of American citizens. We do not need \$16,000,000 worth of silk in this country at the present time, not even to furnish work to dyers and finishers. We need to wear home-grown and American-made clothes and to use our own money for our own goods and staples. We could spend \$16,000,000 in the United States of America on American children and that would be a better investment for us than Japanese silk purchased on the public credit of the United States Government.

Mr. Speaker, on the 13th of January of this year I addressed the House on the subject of the Reconstruction Finance Corporation. In the course of my remarks I made the following statement:

"In 1928 the member banks of the Federal Reserve System borrowed \$60,598,690,000 from the Federal Reserve banks on their 15-day promissory notes. Think of it! Sixty billion dollars payable upon demand in gold in the course of one single year. The actual payment of such obligation calls for six times as much monetary gold as there is in the entire world. Such transactions represent a grant in the course of one single year of about \$7,000,000 to every member bank of the Federal Reserve System. Is it any wonder that there is a depression in this country? Is it any wonder that American labor, which ultimately pays the cost of all the banking operations of this country, has at last proved unequal to the task of supplying this huge total of cash and credit for the benefit of stock-market manipulators and foreign swindlers?"

Mr. Chairman, some of my colleagues have asked for more specific information concerning this stupendous graft, this frightful burden which has been placed on the wage earners and taxpayers of the United States for the benefit of the Federal Reserve Board and the Federal Reserve banks. They were surprised to learn that member banks of the Federal Reserve System had received the enormous sum of \$60,598,690,000 from the Federal Reserve Board and the Federal Reserve banks on their promissory notes in the course of one single year, namely, 1928. Another Member of this House, Mr. Beedy, the honorable gentleman from Maine, has questioned the accuracy of my statement and has informed me that the Federal Reserve Board denies absolutely that these figures are correct. This Member has said to me that the thing is unthinkable, that it cannot be, that it is beyond all reason to think that the Federal Reserve Board and the Federal Reserve banks should have so subsidized and endowed their favorite banks of the Federal Reserve System. This Member is horrified at the thought of a graft so great, a bounty so detrimental to the public welfare as



sixty and a half billion dollars a year and more shoveled out to favored banks of the Federal Reserve System.

I sympathize with Mr. Beedy. I would spare him pain if I could, but the facts remain as I have stated them. In 1928, the Federal Reserve Board and the Federal Reserve banks presented the staggering amount of \$60,598,690,000 to their member banks at the expense of the wage earners and taxpayers of the United States. In 1929, the year of the stockmarket crash, the Federal Reserve Board and the Federal Reserve banks advanced fifty-eight billions to member banks.

In 1930, while the speculating banks were getting out of the stock market at the expense of the general public, the Federal Reserve Board and the Federal Reserve banks advanced them \$13,022,782,000. This shows that when the banks were gambling on the public credit of the United States Government as represented by Federal Reserve currency, they were subsidized to any amount they required by the Federal Reserve Board and the Federal Reserve banks. When the swindle began to fail, the banks knew it in advance and withdrew from the market. They got out with whole skins and left the people of the United States to pay the piper.

On November 2, 1931, I addressed a letter to the Federal Reserve Board asking for the aggregate total of member bank borrowings in the years 1928, 1929, 1930. In due course, I received a reply from the Federal Reserve Board, dated November 9, 1931, the pertinent part of which reads as follows:

My Dear Congressman: In reply to your letter of November 2, you are advised that the aggregate amount of 15-day promissory notes of member banks during each of the past three calendar years has been as follows:

1928. . . . .	\$60,598,690,000
1929 . . . . .	58,046,697,000
1930 . . . . .	13,022,782,000

\* \* \* \* \*

Very truly yours,

Chester Morrill, Secretary.

This will show the gentleman from Maine the accuracy of my statement. As for the denial of these facts made to him by the Federal Reserve Board, I can only say that it must have been prompted by fright, since hanging is too good for a government board which permitted such a misuse of government funds and credit.

My friend from Kansas, Mr. McGugin, has stated that he thought the Federal Reserve Board and the Federal Reserve banks lent money by rediscounting. So they do, but they lend comparatively little that way. The real rediscounting that they do has been called a mere penny in the slot business. It is too slow for genuine high flyers. They discourage it. They prefer to subsidize their favorite banks by making these \$60,000,000,000 advances, and they prefer to acquire acceptances in the notorious open discount market in New York, where they can use them to control the prices of stocks and bonds on the exchanges. For every dollar they advanced on rediscounts in 1928 they lent \$33 to their favorite banks for gambling purposes. In other words, their rediscounts in 1928 amounted to \$1,814,271,000, while their loans to member banks amounted to \$60,598,690,000. As for their open-market operations, these are on a stupendous scale, and no tax is paid on the acceptances they handle; and their foreign principals, for whom they do a business of several billion dollars every year, pay no income tax on their profits to the United States Government.

This is the John Law swindle over again. The theft of Teapot Dome was trifling compared to it. What king ever robbed his subjects to such an extent as the Federal Reserve Board and the Federal Reserve banks have robbed us? Is it any wonder that there have lately been 90 cases of starvation in one of the New York hospitals? Is it any wonder that the children of this country are being dispersed and abandoned?

The government and the people of the United States have been swindled by swindlers de luxe to whom the acquisition of American gold or a parcel of Federal Reserve Notes presented no more difficulty than the drawing up of a worthless acceptance in a country not subject to the laws of the United States, by sharpers not subject to the jurisdiction of the United States courts, sharpers with a strong banking "fence" on this side of the water—a "fence" acting as a receiver of the worthless paper coming from abroad, indorsing it and getting the currency out of the Federal Reserve banks for it as quickly as possible, exchanging that currency for gold, and in turn transmitting the gold to its foreign confederates.

Such were the exploits of Ivar Kreuger, Mr. Hoover's friend, and his hidden Wall Street backers. Every dollar of the billions Kreuger and his gang drew out of this country on acceptances was drawn from the government and the people of the United States through the Federal Reserve Board and the Federal Reserve banks. The credit of the United States Government was peddled to him by the Federal Reserve Board and the Federal Reserve banks for their own private gain. That is what the Federal Reserve Board and the Federal Reserve banks have been doing for many years. They have been peddling the credit of this government and the signature of this government to the swindlers and speculators of all nations. That is what happens when a country forsakes its Constitution and gives its sovereignty over the public currency to private interests. Give them the flag and they will sell it,

The nature of Kreuger's organized swindle and the bankrupt condition of Kreuger's combine was known here last June when Hoover sought to exempt Kreuger's loan to Germany of one hundred twenty-five millions from the operation of the Hoover moratorium. The bankrupt condition of Kreuger's swindle was known here last summer when \$30,000,000 was taken from American taxpayers by certain bankers in New York for the ostensible purpose of permitting Kreuger to make a loan to Colombia. Colombia never saw that money. The nature of Kreuger's swindle and the bankrupt condition of Kreuger was known here in January when he visited his friend, Mr. Hoover, at the White House. It was known here in March before he went to Paris and committed suicide there.

Mr. Chairman, I think the people of the United States are entitled to know how many billions of dollars were placed at the disposal of Kreuger and his gigantic combine by the Federal Reserve Board and the Federal Reserve banks and to know how much of our government currency was issued and lost in the financing of that great swindle in the years during which the Federal Reserve Board and the Federal Reserve banks took care of Kreuger's requirements.

Mr. Chairman, I believe there should be a congressional investigation of the operation of Kreuger and Toll in the United States and that Swedish Match, International Match, the Swedish-American Investment Corporation, and all related enterprises, including the subsidiary companies of Kreuger and Toll, should be investigated and that the issuance of United States currency in connection with those enterprises and the use of our national-bank depositors' money for Kreuger's benefit should be made known to the general public. I am referring, not only to the securities which were floated and sold in this country, but also to the commercial loans



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to Krueger's enterprises and the mass financing of Krueger's companies by the Federal Reserve Board and the Federal Reserve banks and the predatory institutions which the Federal Reserve Board and the Federal Reserve banks shield and harbor.

A few days ago the President of the United States, with a white face and shaking hands, went before the Senate on behalf of the moneyed interests and asked the Senate to levy a tax on the people so that foreigners might know that the United States would pay its debts to them. Most Americans thought that it was the other way around. What does the United States owe to foreigners? When and by whom was the debt incurred? It was incurred by the Federal Reserve Board and the Federal Reserve banks when they peddled the signature of this government to foreigners for a price. It is what the United States Government has to pay to redeem the obligations of the Federal Reserve Board and the Federal Reserve banks. Are you going to let those thieves get off scot free? Is there one law for the looter who drives up to the door of the United States Treasury in his limousine and another for the United States veterans who are sleeping on the floor of a dilapidated house on the outskirts of Washington?

The Baltimore & Ohio Railroad is here asking for a large loan from the people and the wage earners and the taxpayers of the United States. It is begging for a handout from the government. It is standing, cap in hand, at the door of the Reconstruction Finance Corporation, where all the other jackals have gathered to the feast. It is asking for money that was raised from the people by taxation, and it wants this money of the poor for the benefit of Kuhn, Loeb & Co., the German international bankers. Is there one law for the Baltimore & Ohio Railroad and another for the needy veterans it threw off its freight cars the other day? Is there one law for sleek and prosperous swindlers who call themselves bankers and another law for the soldiers who defended the United States flag?

Mr. Chairman, some people are horrified because the collateral behind Krueger and Toll debentures was removed and worthless collateral substituted for it. What is this but what is being done daily by the Federal Reserve banks? When the Federal Reserve Act was passed, the Federal Reserve banks were allowed to substitute "other like collateral" for collateral behind Federal Reserve Notes but by an amendment obtained at the request of the corrupt and dishonest Federal Reserve Board, the act was changed so that the word "like" was stricken out. All that immense trouble was taken here in Congress so that the law would permit the Federal Reserve banks to switch collateral. At the present time behind the scenes in the Federal Reserve banks there is a night-and-day movement of collateral. A visiting Englishman, leaving the United States a few weeks ago, said that things would look better here after "they cleaned up the mess at Washington". Cleaning up the mess consists in fooling the people and making them pay a second time for the bad foreign investments by the Federal Reserve Board and the Federal Reserve banks. It consists in moving that heavy load of dubious and worthless foreign paper—the bills of wig-makers, brewers, distillers, narcotic-drug vendors, munition makers, illegal finance drafts, and worthless foreign securities, out of the banks and putting it on the back of American labor. That is what the Reconstruction Finance Corporation is doing now. They talk about loans to banks and railroads but they say very little about that other business of theirs which consists in relieving the swindlers who promoted investment trusts in this country and dumped worthless foreign securities into them and then resold that mess of pottage to American investors under cover of their own corporate titles. The Reconstruction Finance Corporation is taking over those worthless securities from those investment trusts with United States Treasury



money at the expense of the American taxpayer and wage earner.

It will take us 20 years to redeem our government. 20 years of penal servitude to pay off the gambling debts of the traitorous Federal Reserve Board and the Federal Reserve banks and to earn again that vast flood of American wages and savings, bank deposits, and United States Government credit which the Federal Reserve Board and the Federal Reserve banks exported out of this country to their foreign principals.

The Federal Reserve Board and the Federal Reserve banks lately conducted a anti-hoarding campaign here. Then they took that extra money which they had persuaded the trusting American people to put into the banks and they sent it to Europe along with the rest. In the last several months, they have sent \$1,300,000,000 in gold to their foreign employers, their foreign masters, and every dollar of that gold belonged to the people of the United States and was unlawfully taken from them.

Is not it high time that we had an audit of the Federal Reserve Board and the Federal Reserve banks and an examination of all our governments bonds and securities and public monies instead of allowing the corrupt and dishonest Federal Reserve Board and the Federal Reserve banks to speculate with those securities and this cash in the notorious open discount market of New York City?

Mr. Chairman, within the limits of the time allowed me, I cannot enter into a particularized discussion of the Federal Reserve Board and the Federal Reserve banks. I have singled out the Federal Reserve currency for a few remarks because there has lately been some talk here of "fiat money." What kind of money is being pumped into the open discount market and through it into foreign channels and stock exchanges? Mr. Mills of the Treasury has spoken here of his horror of the printing presses and his horror of dishonest money. He has no horror of dishonest money. If he had, he would be no party to the present gambling of the Federal Reserve Board and the Federal Reserve banks in the nefarious open discount market of New York, a market in which the sellers are represented by ten great discount dealer corporations owned and organized by the very banks which own and control the Federal Reserve Board and the Federal Reserve banks. Fiat money, indeed!

After the several raids on the Treasury Mr. Mills borrows the speech of those who protested against those raids and speaks now with pretended horror of a raid on the Treasury. Where was Mr. Mills last October when the United States Treasury needed \$598,000,000 of the taxpayers' money which was supposed to be in the safe-keeping of Andrew W. Mellon in the designated depositories of Treasury funds, and which was not in those depositories when the Treasury needed it? Mr. Mills was the Assistant Secretary of the Treasury then, and he was at Washington throughout October, with the exception of a very significant week he spent at White Sulphur Springs closeted with international bankers, while the Italian minister, Signor Grandi, was being entertained—and bargained with—at Washington.

What Mr. Mills is fighting for is the preservation whole and entire of the bankers' monopoly of all the currency of the United States Government. What Mr. Patman proposes is that the government shall exercise its sovereignty to the extent of issuing some currency for itself. This conflict of opinion between Mr. Mills as the spokesman of the bankers and Mr. Patman as the spokesman of the people brings the currency situation here into the open. Mr. Patman and the veterans are confronted by a stone wall—the wall that fences in the bankers with their special privilege. Thus the issue is joined between the hosts of democracy, of which the veterans are

a part, and the men of the king's bank, the would-be aristocrats, who deflated American agriculture and robbed this country for the benefit of their foreign principals.

Mr. Chairman, last December I introduced a resolution here asking for an examination and an audit of the Federal Reserve Board and the Federal Reserve banks and all related matters. If the House sees fit to make such an investigation, the people of the United States will obtain information of great value. This is a government of the people, by the people, for the people, consequently nothing should be concealed from the people. The man who deceives the people is a traitor to the United States. The man who knows or suspects that a crime has been committed and who conceals or covers up that crime is an accessory to it. Mr. Speaker, it is a monstrous thing for this great Nation of people to have its destinies presided over by a traitorous government board acting in secret concert with international usurers. Every effort has been made by the Federal Reserve Board to conceal its power but the truth is the Federal Reserve Board has usurped the Government of the United States. It controls everything here and it controls all our foreign relations. It makes and breaks governments at will. No man and no body of men is more entrenched in power than the arrogant credit monopoly which operates the Federal Reserve Board and the Federal Reserve banks. These evil-doers have robbed this country of more than enough money to pay the national debt. What the National Government has permitted the Federal Reserve Board to steal from the people should now be restored to the people. The people have a valid claim against the Federal Reserve Board and the Federal Reserve banks. If that claim is enforced, Americans will not need to stand in breadlines or to suffer and die of starvation in the streets. Homes will be saved, families will be kept together, and American children will not be dispersed and abandoned. The Federal Reserve Board and the Federal Reserve banks owe the United States Government an immense sum of money. We ought to find out the exact amount of the people's claim. We should know the amount of the indebtedness of the Federal Reserve Board and the Federal Reserve banks to the people and we should collect that amount immediately. We certainly should investigate this treacherous and disloyal conduct of the Federal Reserve Board and the Federal Reserve banks.

Here is a Federal Reserve Note. Immense numbers of these notes are now held abroad. I am told they amount to upward of a billion dollars. They constitute a claim against our government and likewise a claim against the money our people have deposited in the member banks of the Federal Reserve System. Our people's money to the extent of \$1,300,000,000 has within the last few months been shipped abroad to redeem Federal Reserve Notes and to pay other gambling debts of the traitorous Federal Reserve Board and the Federal Reserve banks. The greater part of our monetary stock has been shipped to foreigners. Why should we promise to pay the debts of foreigners to foreigners? Why should our government be put into the position of supplying money to foreigners? Why should American farmers and wage earners add millions of foreigners to the number of their dependents? Why should the Federal Reserve Board and the Federal Reserve banks be permitted to finance our competitors in all parts of the world? Do you know why the tariff was raised? It was raised to shut out the flood of Federal Reserve goods pouring in here from every quarter of the globe—cheap goods produced by cheaply paid foreign labor on unlimited supplies of money and credit sent out of this country by the dishonest and unscrupulous Federal Reserve Board and the Federal Reserve banks. Go out in Washington to buy an electric light bulb and you will probably be offered one that was made in Japan on American money. Go out to buy a pair of fabric gloves and inconspicuously written on the inside of the gloves that will be offered to you will be found the words "made in Germany" and that means "made on the public credit



of the United States Government paid to German firms in American gold taken from the confiscated bank deposits of the American people."

The Federal Reserve Board and the Federal Reserve banks are spending \$100,000,000 a week buying government securities in the open market and are thus making a great bid for foreign business. They are trying to make rates so attractive that the human-hair merchants and distillers and other business entities in foreign lands will come here and hire more of the public credit of the United States Government and pay the Federal Reserve outfit for getting it for them.

Mr. Chairman, when the Federal Reserve Act was passed the people of the United States did not perceive that a world system was being set up here which would make the savings of an American schoolteacher available to a narcotic-drug vendor in Macao. They did not perceive that the United States was to be lowered to the position of a coolie country which has nothing but raw materials and heavy goods for export; that Russia was destined to supply man power and that this country was to supply financial power to an international superstate—a superstate controlled by international bankers and international industrialists acting together to enslave the world for their own pleasure.

The people of the United States are being greatly wronged. If they are not, then I do not know what "wronging the people" means. They have been driven from their employment. They have been dispossessed of their homes. They have been evicted from their rented quarters. They have lost their children. They have been left to suffer and to die for the lack of shelter, food, clothing, and medicine.

The wealth of the United States and the working capital of the United States has been taken away from them and has either been locked in the vaults of certain banks and great corporations or exported to foreign countries for the benefit of the foreign customers of those banks and corporations. So far as the people of the United States are concerned, the cupboard is bare. It is true that the warehouses and coal yards and grain elevators are full, but the warehouses and coal yards and grain elevators are padlocked and the great banks and corporations hold the keys. The sack of the United States by the Federal Reserve Board and the Federal Reserve banks and their confederates is the greatest crime in history.

Mr. Chairman, a serious situation confronts the House of Representatives today. We are the trustees of the people and the rights of the people are being taken away from them. Through the Federal Reserve Board and the Federal Reserve banks, the people are losing the rights guaranteed to them by the Constitution. Their property has been taken from them without due process of law. Mr. Chairman, common decency requires us to examine the public accounts of the government to see what crimes against the public welfare have been or are being committed.

What is needed here is a return to the Constitution of the United States. We need to have a complete divorce of Bank and State. The old struggle that was fought out here in Jackson's day must be fought out again. The independent United States Treasury should be reestablished and the government should keep its own money under lock and key in the building the people provided for that purpose. Asset currency, the device of the swindler, should be done away with. The government should buy gold and issue United States currency on it. The business of the independent bankers should be restored to them. The State banking systems should be freed from coercion. The Federal Reserve districts should be abolished, and State boundaries should be respected. Bank reserves should be kept within the



borders of the States whose people own them, and this reserve money of the people should be protected so that international bankers and acceptance brokers and discount dealers cannot draw it away from them. The exchanges should be closed while we are putting our financial affairs in order. The Federal Reserve Act should be repealed and the Federal Reserve banks, having violated their charters, should be liquidated immediately. Faithless government officers who have violated their oaths of office should be impeached and brought to trial. Unless this is done by us, I predict that the American people, outraged, robbed, pillaged, insulted, and betrayed as they are in their own land, will rise in their wrath and send a President here who will sweep the money changers out of the temple. (Applause).

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P.O.Box 1008  
Lowell, Mass. 01853

Secretary of the Treasury  
Commissioner Internal Revenue  
Washington, D.C.

Cert. #86141760

DECLARATION OF OUTLAW

Rt.Rev.Dr.Edward Wayland, defined as the Sovereign Citizen by the Preamble, Amendments 9 & 10, Common Law (as derived from Old & New Testaments), Magna Carta, Declaration of Independence and other Protests, herein declares that the I.R.S. and this Bureau has unconstitutionally refused to Redress multiple Justified Grievances; and, in QUO WARRANTO & TAXPAYER ACTION and multiple other Public-Wrong issues wherein he has been denied Relief.

That in denying Redress of Grievance(Amend 1); and in violations of multi provisions of the U.S.Constitution has violated Article 6(3) mandate to uphold the Constitution of the U.S. and breached, violated, rescinded Contract/Covenant between government and Sovereign Citizen (Third-Party, Non-Signer).

That by such action the IRS has committed government-crime, that breach of existing-law: the Constitution of the U.S., as government-crime is thereby government-anarchy (regardless of fine-sounding semantic-nonsense to the contrary/and/or/ impressive rhetoric to the detriment of over-owed, brain-washed peons).

That, on the basis of violations of the Preamble, Articles 3,4,7,6, Amends. 1,4-10,13,14, the Sovereign Citizen, Rt.Rev.Dr. Edward Wayland...as Sovereign Citizen, with such Unenumerated, Reserved, and Inalienable Rights...Declares in QUO WARRANTO, that the Internal Revenue Service (which has been admitted/averred as being illegal and unconstitutional) is herein declared OUTLAW.

And shall remain OUTLAW until such time as it corrects, repairs, revises its actions and inactions, etc. to conform to the governing LAW: the Constitution of the U.S. as Contract/Covenant, as a separate branch of government as designed by the Founders without terror-, harassment-, etc.-tactics designed to establish an American Gestapo.

For, the only legitimate function of government is to protect the Sovereign Citizen; and the only legitimate function of the IRS is to protect the Sovereign Citizen from its own oppressive government practices.

This, the I.R.S. has refused to do.

And as a result the Sovereign Citizen, Rt.Rev.Dr.Edward Wayland cannot get Relief in the Judiciary/or by the IRS.

That whereas the Legislative Branch has declared open warfare upon the Citizen by its unrelenting policies, and failure-to-protect as mandated and guaranteed by the U.S.Const...

P30 8614160  
RECEIPT FOR CERTIFIED MAIL  
NO INSURANCE COVERAGE PROVIDED -  
NOT FOR INTERNATIONAL MAIL  
(See Reverse)

SENT TO Secretary of Treasury ENCL: 1 AND 2 Washington, D.C. P.O. BOX 1008		POSTAGE 1.19 75	CERTIFIED FEE	SPECIAL DELIVERY	RESTRICTED DELIVERY	SHOW TO WHOM AND DATE AND ADDRESS OF DELIVERY	SHOW TO WHOM AND DATE AND ADDRESS OF DELIVERY WITH RESTRICTED DELIVERY	RETURN RECEIPT SERVICE	OPTIONAL SERVICES	CONSULT POSTMASTER FOR FEES	TOTAL POSTAGE AND FEES 6.93
<div>LOWELL, MASS. MAY 15 1981</div>											

That the Executive Branch, I.R.S. in particular, has enlarged and usurped powers NOT Enumerated, in order to establish a hidden system of terror and controls in direct violation of the Amendment 13 mandate....

That the Sovereign Citizen, Rt.Rev.Dr.Edward Wayland, has repeatedly admonished and rebuked the I.R.S...in his Christian Duty to "Warn the Wicked", which warnings (in addition to QUO WARRANTO, the Prerogative Writ of the Sovereign), have been either ignored, or roused violent hostility against the Sovereign Citizen who dares to challenge.

That: in the early days when a man had a Grievance he redressed it himself; and that, during the formation of societies he gave up that right on the theory that when a man was grieved the entire society was grieved and the society redressed it for him. However, when that society refuses to redress his Grievances, it has given back to the man the right to redress it himself.

Take heed to yourselves: if thy brother trespass against thee, rebuke him and if he repent forgive him. Luke 17:8

The I.R.S. have not only refused to repent but increase harassment

I speak that which I have seen with my Father, and ye do that which ye have seen with your father...ye do the deeds of your father the devil, and the lusts of your father ye will do.

Ye are of your father the devil, and the lusts of your father ye will do. He was a murderer from the beginning, and abode not in the truth, because there is no truth in him. When he speaketh a lie, he speaketh of his own; for he is a liar, and the father of it. John 8:35,41,44

If any man defile the temple of God him shall God destroy. 1 Cor 3:17

Be not deceived: God is not mocked; for whatsoever a man soweth, that he also reap. Gal 6:7

"Woe unto you..." is God's judgment, condemnation, and curse. Jesus Christ cursed the scribes, pharisees, sadducees for the same "legalisms" that the I.R.S. is so outrageously practicing. And, "legalisms" were an abomination to the Lord Yesterday, Today, and Forever, for the Law of God's Liberty & Justice remains unchanged.

Therefore the I.R.S., and all those who act in collusion, for Unconstitutional Practices, is herein declared OUTLAW this 14th day of May 1981.

*Rt. Rev. Edward Wayland* Pro se  
Sovereign Citizen  
Preamble, Amends 9,10,14

RT. REV. EDWARD WAYLAND  
P. O. BOX 1008  
LOWELL, MASS. 01853



In the

U.S. Tax Court  
Washington, D.C. 20217

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P.O. Box 1008  
Lowell, Mass. 01853

Clerks, Commissioners, etc.  
U.S. Tax Court  
Washington, D.C. 20217

re: 8486-77, etc.  
Cert #8614159

DECLARATION OF OUTLAW

Rt. Rev. Dr. Edward Wayland, defined as the Sovereign Citizen by the Preamble, Amendments 9 & 10, Common Law (as derived from Old & New Testaments), Magna Carta, Declaration of Independence and other Protests, herein declared that this court has refused Redress of Justified Grievance:

Rt. Rev. Edward Wayland Ph.D. v Comm. Int. Rev, etc.

in QUO WAPRANTO & TAXPAYER ACTION of Sovereign Citizen multiple complaints and pleadings (and multiple other Public-wrong Grievances wherein he has also been denied Relief).

That in denying Redress of Grievance (Amend. 10 6,7) this court has violated Article 6(3) mandate to uphold the Constitution of the U.S. and breached, violated, rescinded Contract/Covenant between government and Sovereign Citizen (Third-Party, Non-Signer).

That by such action the court has committed government-crime; that breach of existing-law; the Constitution of the U.S., as government-crime is thereby government-anarchy (regardless of fine-sounding semantic-nonsense to the contrary/and/or/ impressive fictuals designed to over-awe the brain-washed peop).

That, on the basis of violations of the Preamble, Articles 3,4,5 6, Amendments 1,4-10,13,14/7 the Sovereign Citizen Rt. Rev. Dr. Edward Wayland..as Sovereign Citizen, with Unenumerated, Reserved, and Inalienable Rights...Declares in QUO WARRANTO, this U.S. Tax Court is OUTLAW.

And shall remain Outlaw until such time as it corrects, repairs, revises its actions and inactions, etc. to conform to the governing law: the Constitution of the United States as Contract/Covenant; as a separate branch of the government as designed and designated by the Founders.

For, the only Legitimate Function of government is to protect the Sovereign Citizen; and the only Legitimate Function of this "court" is to protect the Sovereign Citizen from oppressive government practices.

This...the court has refused to do.

And, as a result of collusion/conspiracy, etc., Rt. Rev. Dr. Edward Wayland cannot get Relief herein.

That whereas the Legislative Branch has declared open warfare upon the Citizen by its unrelenting policies and failure-to-protect as mandated and guaranteed by the U.S. Constitution...

That the Executive Branch has enlarged and usurped powers NOT Enumerated, in order to establish a hidden system of controls..in direct violation of the Amendment 13 Mandate...

That the Sovereign Citizen, Rt. Rev. Dr. Edward Wayland has repeatedly admonished and rebuked this court...in his Christian duty to "Warn the Wicked"; which warnings (in addition to QUO WARRANTO, the Prerogative Writ of the Sovereign), have been either ignored, or roused violent hostility against the Sovereign Citizen.

That: in the early days when a man had a Grievance he redressed it himself; and that, during the formation of societies he gave up that right on the theory that when a man was grieved the entire society was grieved and the society redressed it for him. However, when that society refuses to redress his Grievance, it has given back to the man the right to redress it himself.

Take heed to yourselves: if thy brother trespass against thee, rebuke him and if he repent forgive him. Luke 17:8

This court has mocked God and refused to repent

I speak that which I have seen with my Father; and ye do that which ye have seen with your father...ye do the deeds of your father the devil, and the lusts of your father ye will do.

Ye are of your father the devil, and the lusts of your father ye will do. He was a murderer from the beginning, and abode not in the truth, because there is no truth in him. When he speaketh a lie, he speaketh of his own; for he is a liar, and the father of it. John 8:38,41,44

If any man defile the temple of God him shall God destroy. 1Cor 3:17

Be not deceived; God is not mocked; for whatsoever a man soweth, that he also reap. Gal 6:7

"Woe unto you.." is God's judgment, condemnation, and curse. Jesus Christ cursed the scribes, pharisees, sadducees for the same "legalisms" that this court is so blatantly practicing. And, "legalisms" were an abomination to the Lord..Yesterday, Today, and Forever, for the Law of God's Liberty & Justice remains unchanged.

Therefore this court and all its environs, etc., for rabid practices of Unconstitutionality is herein declared OUTLAW this 14th day of April 1991.

Rt. Rev. Edward Wayland P.D. pro se  
forma pauperis  
Sovereign Citizen  
Preamble, Amends 9,10,14

RT. REV. EDWARD WAYLAND  
P. O. BOX 1078  
E. ALABAMA 36503

90zzz

Clerks, Commissioners, etc.  
U.S. Tax Court  
Washington, D.C. 20217

Cert # 8614166

### AFFIRMATION OF DEFAULT

As according to ALL Federal Court Rules: ALL that which is NOT timely denied is admitted and averred as TRUE. (Including all prior Disclaimer of Jurisdiction & Authority).

Thus, this court has admitted and averred that the DECLARATION OF OUTLAW of May 15, 1981, wherein as Sovereign Citizen, Rt.Rev.Dr. Edward Wayland, declared this United States Tax Court and all affiliates, in every capacity are

## OUTLAW.

John Edward McGowan JR. ss  
Hornu pauperis  
Sovereign Citizen  
Preamble, Amend 9, 10, 14

RE. REV. EDWARD WAYLAND  
P. O. BOX 1000  
DUNWELL, MASS. 01833

P30 8614166

## RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED—  
NOT FOR INTERNATIONAL TRAVEL

**U.S. Power**

[illegible]

IRS Form 3800, Apr. 1976



Petitioner Name:  
Address:

ALL RESPONSES MUST BE IN WRITING  
NO Telephone Calls Accepted

90 24

In The:

INTERNAL REVENUE SERVICE  
STATE TAXATION AND REVENUE AUTHORITY

At The:

Administrative "QUASI JUDICIAL" Level

Address:

Commissioner of Internal Revenue USA  
Washington D. C.

APPENDIX 1

Demandant,

to  
Verified \* DEMAND

v.

Secretary Of the Treasury

and

Commissioner Of Internal  
Revenue Service, et al.

and

The United States Of America

VIOLATORS of the Law.

Certified Mail No. \_\_\_\_\_

JURISDICTION

1. Comes now the Petitioner, in his own proper person, Petitioning the above cited Agency as Respondent for REDRESS OF GRIEVANCES, per the US Constitution and State Constitution, the Common Law and other Authorities;

2. Which PETITION and GRIEVANCE involves inter alia the ABSENCE of Jurisdiction of the above cited Respondent over the Person of the Petitioner and subject matter.

3. Petitioner has been contacted by the above cited Respondent, which individual or agency as an institution is assuming or is seeking to impose a jurisdiction over the Petitioner--from which jurisdiction the Petitioner is otherwise wholly EXEMPT.<sup>1</sup>

<sup>1</sup> Petitioner is unenfranchised, has denied Forced LAW MERCHANT status, is not a corporation, and is NOT a "taxpayer" for all intents and purposes of the US Constitution, 16 th Amendment, 26 US Code, and the cases there supportive (for details see inf). Petitioner invokes all rights, privileges and immunities under common law, Constitution, English Kings' land grants in Free and Common Socage, and the LAW MERCHANT and the State Negotiable Instruments Law, Commercial Code and prior law thereunder. This Appendix is VERIFIED under signature on Parent DEMAND.

4. The complained of Respondent, by acts overt, including but not limited to those cited herein has by construction or otherwise attempted to exercise and impose its or a jurisdiction over Petitioner, which jurisdiction is not supported by and is prohibited by law.

#### PETITIONER'S BURDEN

5. Petitioners are not required by law to fully set forth the total of their grounds, basis and authority supporting Petitioners' position--for the same is IMPOSSIBLE\* in the first Instance, and the Law does not require impossibilities,

6. And it is sufficient that the one who is responsible for such knowledge and capability as a DUTY as a matter of LAW must and should know such law, and is accountable for knowledge of such law is the President and assigns in the case of Federal Taxation<sup>1</sup>, and the Governor in the case of State Taxation<sup>2</sup>, or the Administrative Judge<sup>3</sup> of the governments.

7. Petitioners are NOT put to complete revelation nor setting out of all the BASIS IN LAW upon which they base their decisions and allegations--for it not their part nor let , and administrative and public law does not and can not require such of Petitioner.

3 1 US Constitution, Article II, Sec. 3

4 2 State Constitution, (Utah, Art. VII, Sec. 5, as analog thereto).

Wherefore it is additionally supported that the ADMINISTRATORS and assigns are responsible for the faithful execution of the Laws as in Hayburn's Case, 2 Dall (2 US) 409 (1792) (see also the class of cases which Hayburn represents. YET, it is well known that any 10 IRS agents/aids will give up to 10 or twelve different answers to the same question/problem. Thusly, even the IRS can not be held to what it seems to be the law or fact at the lower (non "institutional") levels. However, on the other hand, it is clear that the law must be UNDERSTANDABLE:

"(What the Law) requires is that a statute be sufficiently clear that persons of ordinary intelligence who desire to know what the law is and to abide by it, can understand what is required of them."

State v Phillips, 540 P2d 936, citing State v Packard, 122 U 369, 250 P2d 561 (see Federal Analogs, and class of other States' cases with same essential holding).

5 \* The impossibility of understanding the IRS Code, Related Tax Court Decisions, IR Rulings, the related Code of Federal Regulations, and the commentaries on the Tax Laws under the 16 th Amendment and 26 USC is ADMITTED in a recent issue of the American Bar Association Journal, and applies to ADMINISTRATORS NO matter what their credentials (see KC Davis Admin. Law and:

"...The great secret, kept by all lawyers, is that lawyers don't know the law, and even more shocking, NEITHER DO THE JUDGES..."

R. A. Kessler, Dean Fordham University LAW School  
HOW TO FIND THE LAW, Ch. 2, p.9, Analysis Of The Problem).  
applying this to intelligence in Note 2 above etc.

8. It being admitted that no lawyer and no judge can possibly know all the law, it is likewise admitted elementally that no individual can know all the law.<sup>1</sup>

9. Petitioner therefore is not required to set forth fully all the law on the subject matter, it being IMPOSSIBLE.

10. Likewise, Petitioner and his position on the merits can not be prejudiced due to absence of complete statements as to law and fact. It is sufficient that a fair statement of the law and fact be presented--upon which administrative determinations and appeals therefrom can be based;

11. The Chief Executive being responsible for the "faithful execution" of the said and related and ancillary law, The same responsibility running to his assignees, agents and Agencies (see Hayburn's Case (supra) and class of cases therewith represented

(12 to 20 reserved)

<sup>61</sup> The Rule is that the "judge is bound to know the law" and "shall judicially notice the law--and enforce that law". This applies as well in the quasi-judicial environment--where the Administrative Judge (sub-chancellor) shall know and enforce that applicable law. Thusly and otherwise, this is in preparation for APPEAL at a US District Court Civil or Criminal "trial" or Tax Court or other APPEAL contemplated by law represented by the class rules represented by FRAP 16 (a) and otherwise. This is also submitted under the law express and implied in inter-alia (a) Schwartz v. USA 435 F.Supp. 1203 and (b) Title 5 USC (US Administrative Pleading Code and(b) etc., 26 CFR601.105 (c) (3) Rev. Procedure 68-12 et. seqq. NOTWITHSTANDING. Appeals in this matter will be based on ERROR of Administrative personell on LAW, and jurisdictional facts.



## JURISDICTION

The LAW MERCHANT

21. Petitioners claim, have not ever waived, and envoke EQUAL PROTECTION, EQUAL APPLICATION and DUE PROCESS of LAW in this and all associated, ancillary, precedent and subsequent actions and activities matters events and process.

22. In as much as it may be necessary to plead the issues Constitutional, Law and Fact at the Administrative Levels, Petitioners will set forth the issues involved as preparation for APPEALS at the Administrative and Judicial levels, and for any Civil Actions for damages which may of necessity follow or grow out of the Complained of Acts Petitioned against, and ancillary acts.

23. Petitioners have been FORCED against their will against their better judgement, against their rights and interests, and to their damage and detriment--into the USE of all inegotiable instruments<sup>2</sup> by device and operation of law authorizing the monopoly non-specific banking (see 12 USC and 31 USC and 5 USC, etc.).

24. This in force and effect has, under the State Commercial and Business Codes<sup>3</sup> and Federal Analogs by the Decisions of the US Supreme Court and Appellate Courts--have placed the Petitioners in the position and status at law and in equity, of LAW MERCHANTS, subject to the Lex Mercatoria, etc. (law merchant) which operates in effect as a state granted privilege or franchise--upon which an excise or other tax may be levied, as a matter of International Law and otherwise.

25. Respondents have never voluntarily submitted to the jurisdiction of the Law Merchant, nor subscribed to it in any manner and have and do now repudiate, reject, and in all other ways deny the jurisdiction and authority of the Law Merchant over Petitioners--which denial is supported and proved by the attached Affidavits (Exhibits A and B).

26. "The Jurisdiction of the Law Merchant is proved by FACT" (Encyclopedia Britannica, 1910, Vol 16, Pg. 300). Although the Judiciary and its "quasi-judicial" analogs not excluding the Federal and State Taxation Agencies (not excluding the IRS) at the administrative levels, can prove the Law Merchant by "judicially" and "quasi-judicially" noticed FACTS--the true, operative, and SUBSTANTIVE Facts are to the contrary; proved against the position of the Government, and FOR the position of the Petitioners.

71 in particular Federal Reserve Notes governed by the Federal Law Merchant, where the law merchant does no more than enforce mutual agreements (Swanson v. Fuline, 284 F Supp 364) and Petitioner has become a voluntary, intentional, mutual party thereto, nor is there in rem nor in personam jurisdiction established over Petitioner who can be said to be

27. The Decisions hold that in all cases, due to its limited jurisdiction, the Litigants in Federal Courts must allege and prove jurisdiction (US Constitution, Interpretation and Analysis; US Congress; Jayson/Small (1969/1971 Eds.) commenting upon class of cases represented by Mc Culloch v Maryland (infra.)).<sup>1</sup>

28. However, a study of Cases Nation wide proves that in Civil and Criminal Tax Cases there is a glaring absence of affirmative substantive allegation of Jurisdiction, on the face of the Complaints (except for formalities absent substance).

29. This calls to mind, the early days of Law School wherein in passing it was stated that absent a claim of Jurisdiction the Court will Judicially Notice the Governing Law, and unless the adverse party objects or pleads around such Judicially Noticed Jurisdictional proof by fact/law, that adverse party is bound, and may not appeal (citing Blackstone and Maitland).

30. This ancient principle of Common Law is still the Rule of Court, and is from whence the IRS, State Taxing Agencies and the Prosecutorial Officers obtain an otherwise absent jurisdiction:

"...it is not necessary to state in the Pleading, matters of which the Court will take Judicial Notice (citation omitted). It is therefore unnecessary to state matter of Law (not excluding the LAW MERCHANT), for this the Judges are BOUND to know, and can apply for themselves to the Facts alleged."

COMMON LAW PLEADING, Koffler/Reppy (Wests) PE 139 (1969)

31. Further, when a State Taxing Authority or the IRS actually or constructively claims and or exercises jurisdiction over one otherwise exempt, it is PRESUMED that the exemption has been waived, abandoned, or overcome:

"...Legality in the transactions of conduct of persons (not excluding governments as juristic persons) is always presumed--everything is regarded as legally done until the contrary is shown."

COMMON LAW PLEADING, Koffler (id) at 142

32. Further, it is necessary for the other side to state his cause and defense against all matters pleaded or judicially noticed--or right to that defence is waived and can not be appealed:

Applying Koffler (id.) at 140:

"It is not necessary to State Matters which would come more properly from the other side. As it is sufficient for each party to make out his own Case or Defense,..."

There is a presumption against Federal Jurisdiction (Lohigh Mining v. Kelly, 16 Sct. 307, Associates v. Ins. Co. 446 F2d 1227, Basso v. UPL 495 F2d 906, and once challenged as to jurisdiction, the person which asserts jurisdiction must assume burden of proving same (Thomson v. Geskiel, 62 Sct 673, Basso (supra) Mc Nutt v. GE, 56 Sct 280, Griff. v. Mat 310 F Supp 341 affd. 423 F2d 272, and where statute is not clear as to a substantive issue, the Tax issue is to be construed in favor of the victim (Spreckles Sugar v. Mc Glain, 192 US 397)).

33. Further, the Operation and force and effect of the State Commercial and Business Code upon Federal Litigation and therefore upon an otherwise innocent, unwilling and unknowing VICTIM (as is the case with Petitioners) could be, has been and will be effected by the State or Federal Governments or BOTH, in that even "principles of common law...and public statutes (not excluding that which codifies the LAW MERCHANT and principles of laches and collateral estoppel, and law developed thereunder; eg.: Texas Commercial and Business Code, Sec. 1:103, California Civil Code, Section 3439.11, Utah Commercial Code, 70A-1-103 which say in effect:

"In any case not covered by these statutes,  
the law merchant SHALL GOVERN."

34. Further, the States which depend upon the Federal Jurisdiction for jurisdiction to tax those states' citizens or individuals, are subject to the infirmities of Federal jurisdiction and infirmities of Federal Statutes and practices which the States therefore otherwise de-facto are dependent upon, which infirmities may in fact defeat and be fatal to that state's jurisdiction.

35. That however is not a subject for STATE Courts to determine, for it is a federal question, and as well:

"States were put on the notice that every species of state legislation, whether dealing with procedural or substantive rights, was subject to the scrutiny of the Federal Courts when the question of ESSENTIAL JUSTICE is raised."

US Const. Int./Analy; Jayson/Small (1969) pg 1084 (id.)

Constitutional Law (SR) Wests; Rossen, pg 248

Both above commenting upon effect of the case: Hurtado v. California, 110 US 516, 28 LEd 232

Apply also principles enunciated in:

Yick Wo v. Hopkins, 118 US 356, 30 LEd 220 (1886)  
and that class of cases.

36. The question of the LAW MERCHANT governing both State and Federal Litigation, under the State Commercial Codes, Negotiable Instruments Law (N.I.L.) and "prior law" is settled (see class of cases represented by In Re American Metals, 276 F2d 705 (CA 2, 1960), In Re Alekovich, 275 F2d 454 (CA 6 1960) and Hulsart v. Hooper, 274 F2d 403 (CA 5 1960), the Law Merchant as well governing state litigation as in the class of cases represented by Mechanics v Katterjohn, 125 SW 1071 Ann. Cas. 1912 A 439

9 1 Adopted at a second section also (Cal. UCC 1-103), and all states adopted the analog of the Negotiable Instruments Law Section 196 (now repealed) but which is the governing law and construction under rules of pari materia. Revised statute UCC 1-103 merely state that principles of law and equity merely supplement, however, the law merchant continues to GOVERN as immutable INTERNATIONAL LAW, new language of statutes implying to the contrary NOTWITHSTANDING.



37. Further, Petitioners maintain that the "GOVERNING" law merchant is a substantive element of Petitioners' case and Petition--in that the Internal Revenue Service admits itself--that the Law Merchant Shall Govern:

"In any case not provided for in this Act...  
the LAW MERCHANT shall govern."

• IR Manual 8(21)4, pg. 58(10)0-200:

Legal Reference Guide for Revenue Officers

38. Therefore Petitioner maintains that the Pleading of the Law Merchant, its Codification analogs, its Federal Decision Analogs, International Law and Jus Gentium are essential and can not be said to be superfluous, irrelevant nor less than substantive, and Petitioner pleads the LAW MERCHANT as Domestic Law, Municipal Law, Statute, Common Law under Statutes by decision, Federal Decision Law, Common Law under law prior to Statutes; and International Law<sup>2</sup> as binding upon State and Federal Agencies and Courts under the following:

"American courts are bound to recognize and apply LAW OF NATIONS (International Law) as part of the law of the land."

US v Melekh, DC NY, 190 F Supp 67 (1960), Cited in  
Wests US Code Anno., US Const. Art. I, Sec. 8, Cl. 10

"Courts of this Country have obligation to respect and enforce international law not only by virtue of this country's status and membership in the community of nations, but also because international law is part of the law of the land."

Banco Nacional de Cuba v. Sabbatino, DC NY 193 F Supp 3  
Affd. 307 F2d 845, Rev. on other grounds, US Sct., 923  
376 US 398, 11 LHM 2d 804, on remand 272 F Supp 863

See also the case: The Neriede, 9 Cr. 388

See also US v. Belmont, 301 US 324 (1937), and that class of cases.

39. Petitioners do not, have not and will not waive knowingly nor purposefully nor otherwise, our rights privileges and immunities and always have and do claim and invoke all rights privileges and immunities and protections under the LAW and the positive aspects and benefits of the LAW MERCHANT as a body of Law, per and under the Ancient English Kings' Land Grants of FREE AND COMMON SOCCAGE (see Blackstone & Pollock/Maitland for definitions, and contents of the original American Charters).

40. Petitioners claim that the highest virtue and order of the Law of Contract, negotiable instruments and taxation under International Law, US Constitution, State Constitution and Law is knowledge, agreement, voluntariness--with absence of mist, fraud, duress, and like anomalies, and the Law Merchant so state

10 <sup>1</sup> \*  
2 See Beutel's Brannan Negotiable Instruments Law, 7 Ed., (1971)  
Greenwood Press, Westport Conn., page 2, note 9j  
\* Footnotes left open for future use here and at infra.

41. Petitioners have never voluntarily directly or indirectly, actually or constructively submitted to nor acquiesced in the jurisdiction of the IRS or the Law Merchant at the administrative level, nor at the Executive level, nor any type of quasi-judicial level, nor at any level nor in any other manner, and likewise with State Taxation Authority.

42. Petitioners have never knowingly nor otherwise submitted to or acquiesced in the above cited jurisdictions.

42.a. Petitioners have never, as a failure to perform duties or other acts, which can be held to be constructive submission or acquiescence in such jurisdictions, become subject to such jurisdictions, in that inter alia Petitioners have NEVER "slept on their rights" (see Digest of Broomfield Maxims).

43. Petitioners therefore are NOT subject to the jurisdiction of the IRS at any level (see above), for under the LAW MERCHANT, the Common Law, and the law general, Petitioners have never voluntarily nor knowingly submitted to the jurisdiction of the IRS or State Taxing Authority in any manner, nor have Petitioners acquiesced therein actually or constructively, and Petitioners put the Respondent to the proof of Jurisdiction on the merits.

44. No actual or implied Contractual type relationship exists between Petitioner and Respondent under any body of law not excluding the LAW MERCHANT, therefore there is no civil jurisdiction of Respondent over Petitioners (see also infra: arguments with respect to Direct v. Indirect v. Capitation taxes citing class of cases represented by Hale v Honkel etc. which further substantiate arguments herein under the Law Merchant, and Petitioners put Respondents to proof of the jurisdictions claimed and evoked on their part whether impliedly, expressly, actually directly or indirectly evoked by Respondents.

#### IRS FORM 1040 A NEGOTIABLE INSTRUMENT

45. The IRS Form 1040 appears to be an entity in the nature of a negotiable instrument, nevertheless, it is an instrument which discharges the duty/obligation to file a return/provide information which duty/obligation can arise only out of a FRANCHISE--which franchise Petitioner is not the beneficiary of nor object of--in any way (see Exhibits A & B; and C & D at infra).

46. Petitioner is therefore NOT the object of the 16th Amendment nor 26 USC, for he is not a "voluntary" (see US v. Flora, 362 US 145) participant in nor beneficiary of any FRANCHISE which may operate to require Petitioner to File a return or Provide information, and is thusly not required to File a return or Provide information. Nor can Petitioner be made to become an involuntary party to such an instrument absent some in-personam jurisdiction over him and proof thereof, thus he is not a mutual party as required by Swenson v. Puline, 284 F Supp 364 (as in supra).

SOCIAL SECURITY FRANCHISE

46-A. Petitioner is NOT a "voluntary" (see US v. Flora, 362 US 145) participant in nor beneficiary of the "social security" (sic) franchises (state/federal) and is therefore not a person in the nature of a "ward of the state" which owes (Petitioner does NOT OWE) a debt/obligation to the "state", and has stated and otherwise Published the same to the world and individuals as herein express and implied and as is express and implied in Exhibits C and D as well as A and B.

46-B. Petitioner only by mistake of fact has appeared to become a voluntary party to such programs--and has used the social security number only by mistake of fact--and never would have so appeared to become such a party thereto or use the number--if he/she had been in full possession of the pertinent facts,<sup>2</sup> and Petitioner was in fact--NOT in possession of nor knowledgeable of the said FACTS and in fact was misled, cajoled, unduly influenced, forced, coerced DEFRAUDED and otherwise kept from full knowledge of said Facts as to what the Social Security Franchise and License etc. really was, is and may become, and the same as to effect of Fact was misrepresented to Petitioner by those in position to so influence Petitioner.

46-C. Petitioner stands on the Pleading and the effect of the supporting Affidavits as proving absence of ADMINISTRATIVE Jurisdiction of the IRS (Commissioner) over the person, property, interests of Petitioners, Petitioners not being object of the Tax Law involved--there being therefore NO subject matter and NO cause upon which the IRS can base a Claim and sustain Jurisdiction in a Court for enforcement of its demands upon Petitioners

IRS W-4 FORMS

46-D. Petitioner, if he ever worked for a Corporation or enfranchised person or for any other reason ever filled out or filed or otherwise became or was made party to an IRS W-4 Form, it was by mistake of FACT, and the Same are hereby declared to be VOID and of no effect by mistake of Fact (see 26 USC 3402 (p)). Under 26 USC 3402 (p) it is affirmed that the said w-4 form is a VOLUNTARY request for withholding--re-affirmed in various Internal Revenue Regulations (see IRS Reg. 31.3402 (p) 1 (b)), and Petitioner herewith submits Exhibit E which should have been attached to any and all said W-4 forms and completed by Petitioner for purposes of the employer if any under the voluntary agreement attached thereto.

46-E. If Exhibit F is attached it modifies any existing W-4 Form which may be an issue in any Tax matter which this Pleading and Administrative Law Brief may be related to directly or indirectly, or nullifies that W-4 form as to operation and effect and validity.

<sup>1</sup>  
 2 All allegations of "mistake of fact" etc are directed to only JURISDICTIONAL Facts.



OBJECTIONS

90jy

46-M. Petitioner challenges, denies and otherwise assails the respondent's action as herein complained of IN ITS ENTIRETY as being one or more of the following severally or in any combination, to wit:

Respondent's acts

- A. Deny procedural Due Process
- B. Deny Substantive Due Process
- C. Deny Equal Application and Protection of Law
- D. Are contrary to Constitutional right, power, immunity
- E. Are in excess of statutory JURISDICTION, authority or limitations
- F. Are short of statutory right
- G. Are without observance of procedure required by law
- H. Are unsupported by substantial evidence
- I. Are absent Rational Basis
- J. Are absent necessary substantial nexus or telic relationship to lawful powers or purposes
- K. Are unwarranted due to absence of proved Jurisdictional Facts
- L. Are unreasonable
- M. Are unconscionable
- N. Are absent adequate statutory guidelines
- O. Are absent adequate safeguards
- P. Are irrelevant to material and substantive lawful purpose
- Q. Are overly broad
- R. Are Prejudicial
- S. Deny Essential Justice
- T. Are frivolous or dilatory or a sham
- U.
- V.
- W.
- X. Violate 26 USC 7214 (a) (1), or (2) or (3), or (4) or (5), or or (7), or (8), or (9).
- Y. Are a FRAUD upon the Law and or Fraud in Fact
- Z. Are otherwise not in accordance with law

46-N. Petitioner directs the honorable Commissioner et. al. to 5 USC 706 and the cases for authority for the above, and presents same as a foundation for Judicial Review as above express and implied.

This is page 83 as amendment for Petitions prior filed.

46-F. In so far as the same does not admit jurisdiction of the Administrative Agency of the Treasury and IRS (see 5 USC 101), or other administrative agency which may be involved in Federal Tax issues or claims jurisdiction, Petitioner relies on law express and implied in and under Title 5 USC, wherein such agencies are the object of and therefore subject to 5 USC pleading (5 USC 101).

46-G. This Instrument is to be construed to be a DEMAND at law, the words and phrases "petition", "pleading" and the like being mere descriptive form; and is filed under the First Amendment to the U Constitution, and 5 USC 555 (e), and challenges jurisdiction as contemplated by or in the nature of that contemplated by 5 USC 706 (2) (C), 5 USC 554 (b) (2), 5 USC 558 (b)<sup>3</sup>, in aid of the administrative process and IRS and to provide a proper foundation and RECORD for Judicial Review under 5 USC 701 through 5 USC 706.

★ ( 46-H. Petitioner prefers not to plead under provisions of IRS rules and regulations and 26 CFR (Code of Federal Regulations) in that this would be clear admission of IRS et.al. Jurisdiction.

46-I. Where such a decision or assumption is evident, the CIR is requested to provide, if any, contrary authority of a material and substantive nature with specific citations.

46-J. Petitioner demands counsel as express and implied in 5 USC (d)(1) construed in pari-material with the 1789 US Statutes at Large, Section 35 differentiating between "counsel" and "attorney", law in the nature of 28 USC 1654 to the contrary NOTWITHSTANDING.

46-K. Witness fees for all Petitioner's witnesses and for Petitioner himself are demanded under 5 USC 503, as well as return of costs, and values in the nature of reasonable attorney's fees and other expenses necessary to the prosecution of this case.

46-L. IRS Forms not excluding the W-4 (and past W-4E) are deficient in that there is no provision for indicating "IMMUNE" for one who is IMMUNE from Federal and related Taxes, nor does Title 5 US Code provide specifically for pleading such a position as IMMUNITY from Federal Taxation, as in the case of Petitioner Demandant. There are insufficient safe-guards therefore--as is otherwise required by law (see Butler v. CPNK, 352 SW2d 201, or fails to provide for adequate standards as may be required by law in the matter of determination of JURISDICTION.

1 which adjudication is to be determined "on the record" (5 USC 554 (n))  
2  
3 and 5 USC 552 (b) (h) (1) Citation of a limited number of applicable statutes shall not be deemed and is not intended as waiver of right to protection of those not cited. A general notice of the law upon which is deemed sufficient; see also 5 USC 552 (b) (1) and 5 USC 301 "withholding of information" provision and like provisions of 5 USC

- \* Petitioner demands proof on the record of JURISDICTIONAL FACTS and evidence tending to prove JURISDICTIONAL FACTS, and challenges and denies right or discretion of IRS Administrative officers and the Courts on judicial review to "administratively" or "judicially" NOTICE the denied and complained of jurisdiction to exist, and to the contrary requires substantive and material proof thereof on the record

46. Petitioners have not been shown--by the complained of and petitioned against Taxing Authority State or Federal in combination nor severally, nor can the same Authority allege nor prove affirmatively and substantively--that Petitioners are subject to any jurisdiction under which said Authority can claim a Return due, Tax due, performance due, failure to perform; nor that Authority's right to investigate or otherwise "canvass" with respect to Petitioners whether for Civil or Criminal purposes or combinations thereof, whether under Statutes (not excluding 26 USC 7602) or otherwise,

47. And Petitioners put the above Cited and complained of and Petitioned against Taxation Authority to allege and affirmatively prove and substantiate any JURISDICTION under and by which Petitioners can be charged as being subjects or objects of Taxation expressly or impliedly.

48. Petitioners being sufficiently assured to state that the Petitioned against Taxation Authority can not prove a jurisdiction, and has no jurisdiction what-so-ever, and can not do so under the LAW MERCHANT, nor under any other type of franchise as will be discussed at infra, nor otherwise.

49. The imposition of the Law Merchant as a franchise unknowingly, against Petitioners' will, and against their interests and to their damage, and the presence of actual or constructive Fraud, Duress, Laches, Estoppel and other Bars to the complained of Taxing Agency's assertion of jurisdiction are fatal to that Agency's position, and absence of voluntary submission and subscription to the franchise of the LAW MERCHANT is a bar to further assertion of said jurisdiction as in part proved by the attached Exhibits and:

"Our system of taxation is based on voluntary assessment and payment. NOT upon distraint."

US v. Flora,

362 US 145, 176; 80 Sct 630, 647; 4 LEd 2d 623 (1962)<sup>3</sup>

50.<sup>4</sup> Petitioners further call upon the Petitioned against Authority as Respondent to affirmatively allege and plead any and all forms of JURISDICTION upon which it depends to impose itself upon Petitioner in any manner what-so-ever and to do so in writing or cease all complained of and ancillary or related activities directed against Petitioners and their interests.

1

2

14 3 See Chief, IRS, Commissioner Johnnie Walters statements to this effect, US News and World Report, May 15, 1972, Sept. 17, 1973; and in the Senate Congressional Record, May 16, 1974.

4 51 to 60 reserved.



EXCISE TAX v. CAPITATION TAX

61. Further substantiating the absence of jurisdiction over the persons of Petitioners by the IRS or State Tax Authority, Petitioners point out for the convenience of the Respondents and the Courts that unenfranchised individuals are NOT subject to an excise tax.

62. The Courts both State and Federal have ruled that the 16 th Amendment to the US Constitution gives no NEW taxing power to the Federal Government<sup>1</sup>, but that the 16 th Amendment is but a re-statement of the Constitutional Law existing prior to the 16 th Amendment, and that it applied only to Corporations as state created entities and specially enfranchised individuals (Compare Hale v Henkel and Springer v US).

63. The attached Affidavits and Exhibits are proof of absence of special franchise with respect to Petitioners and therefore, under the Supreme Law Of The Land, Petitioners are exempt from requirements of the 16 th Amendment and law thereunder not excluding the IRS Code, 26 USC.

64. The 16 th Amendment merely authorizes a continuation of the power to tax Corporations and quasi-corporate entities and enfranchised individuals.

65. It must be noted that the 16 th Amendment does not repeal on the face nor constrictively nor impliedly--the US Constitution, Article I, Sec. 9:4<sup>2</sup> which requires all taxation of the unenfranchised individual to be of the nature of a CAPITATION, that is to say a "head tax" or a "poll tax" (as in to take a poll (count)).

NOTE: The above point and proposition is proved by the class of cases represented by Hale v Henkel, 201 US 43, Flint v Stone Tracy, 220 US 107, Stanton v Baltic Mining, etc.

66. Therefore, we see that in addition to the Petitioners not having a constructive or operational or actual franchise under the LAW MERCHANT--they additionally are not subject to the jurisdiction of the IRS for they are not subjects nor objects of TAXATION within the meaning and intent of the 16 th Amendment, nor the IRS Code; for the Code (26 USC) has no provision for a CAPITATION tax as above described--as a matter of LAW.

1 "Judgements within the powers vested in Courts by the Judiciary Article of the Constitution may not lawfully be revised, overturned or refused faith and credit by another Department of Government."

Chicago & S. AL v. Waterman, 333 US 103, 114 (1948)

2 Nor does it repeal Article I, 2, 3 construed in pari-materia therewith the 14th and 17th Amendments (sic) NOTWITHSTANDING.

67. Further, the IRS and State Taxation Agencies have not alleged nor intimated that the information sought, or performance due or forbearance expected of Petitioners by the Respondents is within the meaning and intent of the LAW as "correctly interpreted" and construed (see Class of cases cited in paragraph 65 supra). Therefore no jurisdiction exists, and Petitioners put the Government to proof of its asserted "jurisdiction" and to disprove that such jurisdiction is but a mere myth.

68. Petitioners have admitted and do now admit and allege and do not and have not denied--that the 16 th Amendment is a Constitutional and Valid Act in its proper application to proper subjects and objects of taxation, and this admission is unqualified, and Petitioners are not, never have been and will never be "tax protesters" nor "protesters" or like anomalies.

69. Respondents have depended upon US Supreme Court State Supreme Court, Appellate Court and Reported Trial Court cases for forbearance to act and other acts with respect to taxation and performance under the State and Federal Taxation Codes, and with respect to requests and contacts made by Government Agents with Petitioners, and those cases or excerpts of import upon which Petitioners have and do depend are made a part hereof by reference as if set forth fully hereinat--to be introduced at an appropriate moment at the administrative level or judicial levels, with commentary upon their meaning and the understanding which Petitioners gained therefrom.

★ 70. Once again, and under a different law or body of law, the jurisdiction which the Respondents claim over Petitioner has been proved to be non-existent as a matter of law.

71. Petitioners again put the Respondents to the affirmative proof of the jurisdiction claimed which shall disprove the claim of absence of jurisdiction proved by Petitioners.

72. Petitioners as well ask the Respondent for Administrative or Quasi-judicial relief as set forth in the Title of page 1, that is to say, a Final Order on the Merits, or Cessation of complained of acts.

(73 through 80 reserved.)

WAGES v. INCOME

★ 81. It should be noted that, as a matter of law, there is a Distinction between "wages" and "income" and "gross income" (see class of cases represented by Edwards v. Keith, 231 F 110).

★ 82. The IRS has not alleged, nor has the State nor have they affirmatively proved that Petitioners have received other than wages as a "source" from which "income" is derived, nor that an "income" was received upon which a "gross income" was had--upon which a tax may be due, or upon which a return is due.

83. Therefore, any activity on the part of the Respondent whether civil or criminal, or otherwise under such doctrines as set forth in US v. LaSalle Bank (1978)<sup>1</sup>, whether at the administrative level or Judicial Level, or "quasi-judicial" or otherwise--are severely limited--and particularly so when viewed in the light of the totality of the circumstances--both law and fact as separately and in combination--as each part of the allegations in this instrument must be read and construed as a whole.

US v. LA SALLE BANK

84. On the surface--without analytic reasoning and a comparison and application of related and equally controlling LAW--the La Salle case appears to be most liberal in the powers granted to the Government (see Tax Management (WDO) Vol. 123).

85. This liberality toward the Government is justified--when applied to PROPER objects and subjects--and is not challenged by Petitioners in its PROPER application and effects.

86. However, La Salle, when applied to improper subjects and objects--admits of absence of certain and necessary conditions precedent--which are otherwise necessary for a successful judicial enforcement under La Salle.

(87 through 90 reserved.)



REVERSAL OF BURDEN OF PROOF

9084

91. Respondents are applying the 16 th Amendment and 26 USC (IRS Code) to Petitioners IMPROPERLY; Petitioners are not proper subjects nor objects of taxation (see supra) and the effects are improper, invalid or unconstitutional, in that the BURDEN OF PROOF is reversed--by device and operation of law, which is prohibited as a matter of law as in the class of cases represented by Speiser v Randall, 357 US 513, 2 LHM2 1460.

92. This unlawful and effective reversal of burden of proof is manifest in the myth of remedy and relief supposedly otherwise available in the Tax Court, in the burden shift resulting from 26 USC 7203 and "third party" activity with respect to issue of the 2039 "summons", and state analogs.

93. The 2039 summons has its place when applied to proper objects and subjects of taxation. However, when there is also "bad faith" shown (see US v. Lofko, CA SC, 1973, 479 F2d 749) or unlawful effects or unlawful application of the law when applied to those not subject to nor objects of the Statute, there being no "nexus" (US v Berkowitz, DC Pa. 1973 355 F Supp 879), being "oppressive" (US v. Acker, DC NY 1971, 325 F Supp 857), and "overly broad" (US v Berkowitz, supra.), "disproportionate" to the ends sought (US v Theodore, CA SC, 1973, 479 F2d 749), and "unreasonable" (US v Dauphin, CA Pa 1967, 385 F2d 129, 19 LHM 2d 98) with no "legitimate purpose" (US v. Duke, DC Ill., 1974, 379 F Supp 545), especially when the IRS or State through its issue of state analogs, does not show prima facie jurisdiction that "the individual may be liable" (US v. Silkman, CA NC 1976, 543 F2d 1218, Cert. Den. 97 SCT. 2185). Application of Yick Wo v. Hopkins, 118 US 356 (1886) is as well realistic--under doctrine of equal protection and application and due process of law.

94. The above cases are but representative of the class of cases supporting valid attacks upon the improper application and effects of the IRS and State application of the 16 th Amendment and 26 USC to Petitioners, and all excerpts relevant, substantive in nature, and of import--from those cases cited and not cited are made a part hereof by reference as if set forth fully and at length hereinat, and development of further attacks based thereon is a right reserved.

95. Reversal of burden of proof occurs as Respondents apply Tax Law complained of to Petitioners, in that inter alia the elements necessary per the Decisions (see 93 above) must be proved by Petitioner before relief can be claimed at a judicial enforcement hearing; and otherwise in tax courts or at Administrative and "quasi-judicial" levels, and therefore is further proof of absence of jurisdiction over Petitioners.

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DELEGATION OF STATE LEGISLATIVE POWER TO FEDERAL GOVERNMENT

101. The whole or in part dependency of State taxation statutes upon Federal Legislation, and particularly upon CHANGES material and substantive as to who is required to file and who is required to pay a tax is an infirmity which has three prima facie infirmities:

1. The question of who is to file a state return and pay a state tax is a FEDERAL QUESTION, not a fit subject of State judicial or quasi-judicial activity.

2. The State is bound by US Supreme Court decisions and Appellate Decisions already exempting unenfranchised individuals, and wage earners (see supra).

3. The State is prohibited as a matter of law from delegating its legislative powers to the Federal Government; and changes in legislation by the Federal Congress not specifically adopted by the State Legislature is constructive or actual and operative delegation--which is prohibited and is therefore void (and there is ample evidence of same, and the evidence grows with each day).

102. Other infirmities are also evident, though more technical in nature, which will be pleaded and proved at the Judicial Levels--under this general Category.

DELEGATION OF CONGRESSIONAL POWER TO A PRIVATE CORPORATION

103. The Congress is prohibited from delegating a Constitutional duty to a private or quasi-private corporation.

104. The Congress has done just that in delegating the power and duty of "fixing the value" of coins (see Jayson/Smith (supra) on the subject.)

INADEQUATE REMEDY AT LAW, IMPOSSIBILITY

105. The effect of the above delegation of duty and power operates to prevent Petitioner from paying AT LAW any tax, for the Federal Reserve Corporation issues only negotiable instruments which are capable only of DISCHARGE IN EQUITY of the tax due, violating the law, forcing Petitioner into status of a

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law bankrupt, having no means to pay at law, for only the NOTES of the Federal Reserve Corporation are in ready circulation as "currency" in the United States and this State, or the State in which my or our other corporation does business, and "notes" are capable only of DISCHARGE, and incapable of PAYMENT at law.

106. There is therefore no money AT LAW with which to pay AT LAW, which is a Constitutional Right, and a statutory right (see US Coinage Act 1792 etc.).

107. Payment at law of any tax due is therefore impossible, thusly as well, there is no adequate remedy at law.

107. Granted, under the Doctrine of the class of cases represented by the leading cases of Perry v. Washburn, (Cal. Sct. 1862), and Lane County v. Oregon (US Sct. 1868) which doctrines have been expanded, cleared and supported in cases as late as 1977, that a Corporation may be required to obtain of its assets a "Security of the US Government" (see eg. 12 USC 411), but such can not be required of the unenfranchised individual and therefore not of Petitioners.

108. It is therefore further proved as a matter of law--that Petitioners have no remedy at law and that for Petitioners to be required to PAY a tax due is IMPOSSIBLE, and it is well settled that the LAW does not require impossibilities.

#### ABSENCE OF STATE DECLARED "LEGAL TENDER IN PAYMENT OF DEBT"

109. This State has failed in the Constitutional duty to declare what "legal tender in payment of debt" shall be as is required by the US Constitution.

110. There is therefore no "legal tender in payment of debt" available in this state for the payment of a federal or a state tax--even if it was due, even though a state tax has been declared to be NOT a debt (see Washburn and Lane County cases etc. (supra)).

111. There is no medium at law with which to pay at law a tax at law, or a tax at debt (as is the Federal tax per the decisions (see Lane County etc.) and per recent Statutes).

112. The verbosity and technicality of the State Negotiable Instruments Law or Commercial Code does not remedy the defect, but further proves Petitioners' position, discharging them from liability and jurisdiction of the Respondents (the State NI applies to Corporate Notes issued by the Federal (sic) Reserve (a Corporation (for there is no Fed. Common Law, per Erie RR v. Tom



121. Petitioner in this matter in Exhibit B attached hereto and otherwise has denied the obligations which appear or actually do attach to the FRANCHISE of extra-common law citizenship in the "United States"

122. If the United States wants to grant me the extra-common law FRANCHISE of "citizenship" per the 14th Amendment that is well and good, but it is a well known principle of LAW that no mere statute nor like evidence of law can abrogate a common LAW RIGHT or IMMUNITY without clearly on the face establishing that evidence of law in no uncertain terms is intended to modify or away with such common law immunities and rights.

123. The mere existence of a written Constitution of the United States--and its prima facie AMENDMENT procedure--do NOT mean that a simple amendment thereto and thereunder can do away with my immunity from and right to be free from Federal Obligation nor can such an amendment be so construed--so as to make me liable for 14th Amendment IMPLIED obligations to which I have not consented and am not informed of fully nor to which I have become a voluntary and INTENTIONAL party.

124. The misconception under which the IRS/CIR operates is inter-alia, that the SUBSTANTIVE Common Law can be amended by mere fiat of the unlawfully passed and otherwise VOID 14th Amendment (see unlawfulness of the 14th Amendment discussed in Dyett v. Turner, 439 P 266, 20 U2d 403, citing 11 S.C. 10 484, and 28 Tul. LR 22; see also State v. Phillips, 540 P2d 936 (1975)). However, the law and rules of PARI-MATERIA prove this is a FALSE conception/assumption and otherwise unlawful.

125. Petitioner has NOT voluntarily, knowingly, consentingly, intentionally nor otherwise become a recipient of a Federal or like gift or enfranchisement under any Amendment nor the 14th Amendment, and thusly has NO duty nor obligation to perform under/any law enabled or otherwise made thereunder, the 16th Amendment, Article I, Section 8, and 26 USC Taxing power/laws NOTWITHSTANDING <sup>inter alia</sup>

126. Another misconception is that Petitioner has become a party to the Constitution and the 14th Amendment, thus giving in-personam power over Petitioner to the Federal Government  
PETITIONER IS NOT A TAXPAYER

125. All the Decisions hold the "taxpayer" subject to and object of 16 th Amendment and 26 USC; however, the Petitioner is not a "taxpayer" for all intents and purposes of the 16 th Amendment, 26 USC, and related and ancillary law and decisions (see Exhibit B denying he is "taxpayer").  
(126 through 130 reserved)

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Contract Law applies to Constitutions, thus Petitioner is not party to any Amendments thereto he being a third party not in interest nor participant therein, thus as well not obligated thereby (see "third party" law and "agency" under the common and law merchant general and FEDERAL law merchant, etc.).

131. The Constitution declares itself to be the "Supreme Law of the Land" (US Constitution, Art. VI, Cl. 2). That law is binding upon the government, its agents and branches.

132. Petitioners' rights are involved--equally the natural and fundamental and statutory rights, and the same are being abrogated, alienated and trampled asunder by an implied power of the executive or legislature--to Petitioners' detriment and damage, which is prohibited by all the Authorities.

133. Respondents are doing so not under any express or implied power, but by usurpation and otherwise unlawful devices rules and practices and improper application and effect of legislation which must be brought to an end:

"Where rights secured by the Constitution are involved, there can be NO rule making nor legislation which would abrogate them."

Miranda v. Arizona, 380 US 436 (1966)

134. To admit that the unenfranchised individual is subject to Administrative Enforcement (by any agency or branch of government) is to admit that the TAXING POWER of the State or Federal Government can also destroy the individual; for the individual is either TOTALLY subject to or TOTALLY NOT subject to DESTRUCTION by the taxing power:

"The power to tax is the power to DESTROY"

Mc Culloch v. Maryland, 4 Wheat (17 US 316 (1819))

Knowlton v. Moore, 178 US 41, Enoch v. Wms, 370 US 1

See also Viazzi Bank v. Penno, 75 US 533

135. Petitioners maintain that they as unenfranchised individuals are not fit subjects nor objects of DESTRUCTION nor possibility of Destruction by means or device of any legislation or rule making or practice--whether on the face of a statute, as applied, or in effects.

136. It is not just, and contrary to right and reason that the Constitution (a grant of limited power) should on the one hand be given the power to tax, and be limited in that power (to a Capitation), then on the other hand by device and operation of statute and practice (eg. Lasalle Bank case) be allowed to destroy the unenfranchised individual (the very supreme "sovereign" CREATOR of that very Constitution), but such is the reasoning of the mindless bureaucracy and its dupes and lackeys--but thank God, the Courts and Judges will NOT be a party to that INJUSTICE.

137. In fact, the following principle applies to the Legislature (in its legislation, applying Miranda), and is a prohibition upon the Court to become a party to the conspiracy to do injustice to the innocent and unenfranchised Petitioners:

"Where rights secured by the Constitution are involved, there can be no rule making nor legislation which would abrogate them."

Miranda (id.)

"...rules shall not abridge, enlarge or modify any substantive right and shall preserve the right of trial by jury as at common law and as declared by the Seventh Amendment to the Constitution."

28 USC 2072 (a statute no less)

138. It is held that in controversies of Taxation the position most favorable to the victim or proposed victim is given the most weight (see Wests US Code Annotated for a host of cases, etc.), and as well it is the duty of this administrative agency as Respondent to in its quasi-judicial power rule in favor of Petitioner, for if not--the COURTS surely shall:

"It is the duty of the courts to be watchful for the Constitutional Rights of the citizen, against stealthy encroachments thereon."

Boyd v US, 116 US 616, 635 (1885)

139. Of course the cry from the Bureaucrats is "But where will we get the funds needed to finance the bureaucracy?" To this and all other anticipated arguments and whimpering Petitioners say:

"It can not be assumed that the framers of the Constitution and the people who adopted it, did not intend that which is the plain import of the language used. When the language of the Constitution is positive and free of all ambiguity, all Courts are NOT at liberty, by a resort to the refinements of legal learning, to restrict its obvious meaning to avoid the hardships of particular cases...for it (the Constitution) is the Mandate of the Sovereign power (the people)."

Cook v. Iverson, 122 NW 251

(see also Norris v Baltimore, 172 MD 667, 192 A 53)

"When Constitutional Rights have been violated remedies for violations are not dependent upon fictionalized distinctions."

Kelly v. US, 379 F Supp 532

"In determining whether...rights are denied, we are governed by the SUBSTANCE of things and not by mere form."

Louisville v Schmidt, 177 US 230

18 1 See effect of statute 28 USC 1652, the common law express therein and the cases developed thereunder.



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140. Further, neither the Respondents, nor the Courts are at liberty to force Petitioners to pay unlawful taxes, file unlawful returns, unlawfully supply information etc.; nor can Respondent nor the Courts force Petitioner to prevent him from being lawful in all his affairs--even if such force and prevention of lawfulness be excused or promoted in the public interest:

"Disobedience or evasion of a Constitutional Mandate may not be tolerated, even though such disobedience may...promote in some respects the best interests of the public."

Slote v. Bd. Of Ex., 274 NY 367

Watson v. Memphis, US 526

"The Judicial Branch has only one duty--to lay the article of the Constitution which is involved beside the statute (rule or practice) which is challenged and to decide whether the latter squares with the former..."

US v. Butler, 279 US 1 (1936)

141. An then of course--the standby to which all look for guidance, both the states (as a "model" as in Sosna v Iowa) and the Federal Courts--which makes law most clear on the subject:

"All laws (rules and practices) which are repugnant to the Constitution are null and void."

Marbury v Madison, 5 US (2 Cranch) 137, 174 (1803)

(see also Robin v Hardway, 1 Jefferson 109 (1772))

142. The Respondent as a matter of law may not by force and effect, operation and device of law make Petitioner give up the SUBSTANTIVE right to be lawful, just so that a mere form of lawfulness (unlawful tax paying and performing) can be claimed by Respondents of Petitioner--to keep the parasitic bureaucrats off Petitioners back, and out of his pockets:

"We find it intolerable that one Constitutional right should have to be surrendered in order to assert another."

Simmons v. US, 390 US 389 (1968)

143. The Effect of Respondent's complained of activity is to Place Petitioner in a Jeopardy and Double Jeopardy not warranted by law, by requiring him to do unlawfulness and at the same time requiring to not do lawful things, preventing him

from being lawful, for which civil and criminal liabilities attach, and at the same time FORCING Petitioner into an unlawful practice for which civil and criminal and religious penalties attach as well, violating the law thusly:

"There can be no sanction or penalty imposed upon one because of his exercise of Constitutional rights."

Sherar v. Cullen, 481 F2d 946 (1973)

"The claim and exercise of a Constitutional right can not be converted into a crime."

Miller v. US, 230 F 486 at 489

Simmons v. US 390 US 389

#### ABSENCE OF CIVIL JURISDICTION

144. Petitioners maintain that the US Government and or the State governments under the US Constitution and statutes and rules and regulations do NOT have civil jurisdiction over the individual unenfranchised Petitioner.

145. Generally and specifically, Civil law was and is intended and developed for one purpose--that of enforcing private rights, and not for the enforcement of PUBLIC LAW

146. Taxation is a matter of PUBLIC LAW and NOT private law, and is in fact a matter of ADMINISTRATIVE LAW

147. Many of the Taxation Statutes which require performance are CIVIL in nature, and those which attach penalties for non-performance or ill-performance are Criminal in nature, the former being dead letters without the latter, yet, Civil statutes can not be heard in a CRIMINAL court, and Criminal statutes can not be heard in a CIVIL court, as a matter of fundamental American Jurisprudence.

148. To assist the Respondents in their research so that the law may be "faithfully executed", Petitioner refers to West's Common Law Pleading, Koffler/Reppy, 1969 at page 9 for a Chart on American Jurisprudence which would expedite an understanding and further research into the mysteries of the limits of Public Law and absence of civil jurisdiction of the public over the unenfranchised individual.

- 1 See paragraphs relating to exhibits A and B in this text; and paragraphs relating to exhibits B and C particularly at infra which show and prove for purposes of Administrative Pleading upon which Judicial Appeal can be affected--that Petitioner(s) is/are NOT subject to the Administrative Jurisdiction of the Internal Revenue Service, for they are inter-alia, not the OBJECT of the 16th Amendment nor the IRS Code (26 USC), and there is no affirmative pleading nor proof to the contrary offered by the Commissioner nor IRS Agents.

INTENT AND PURPOSE

161. Petitioners deny ever having intentionally or willfully individually or in combination, nor knowingly with each other or in combination with others participate in any act or combination of acts which could be claimed to be civilly incorrect or prohibited, nor any acts of a criminal nature, misdemeanor, infraction or Felony.<sup>1</sup>

162. This is a good faith attempt to regain, envoke and assert rights privileges and immunities secured in and by the US Constitution and State Constitution and the Laws of the United States--and to secure essential JUSTICE, promote economy, and to put an end to un-necessary litigation and process.

163. This is a Petition for Redress of Grievances under the First Amendment of the US Constitution, relying upon other portions and protections within that Instrument as expressed and cited herein, and as implied as Petitioner shall determine as must needs be.

164. Petitioners by filing this Petition, do not admit to nor recognize the Jurisdiction of the Respondents, but do and continue to maintain absence of jurisdiction of Respondents, and file the Petition only under the principle that "The law favors the vigilant, and not those who sleep on their rights."

165. Petitioners maintain that to remain silent in the matter would be to admit jurisdiction, therefore absence of jurisdiction is affirmatively alleged herein--so as to defeat said mythical jurisdiction as applies to Petitioners.

166. Petitioners deny jurisdiction of the Respondents at the Administrative Level, quasi-judicial level, civil level, criminal level, and is ready to defeat the alleged jurisdiction in any manner asserted or manifested.

167. Continued assertion of said mythical jurisdiction by Respondents can only constitute unjust harassment and activity for which civil damages attach. Imposition of the Enoch v Williams (1962)<sup>3</sup> doctrine can be viewed only as a PLANKING move to EVADE Constitutional limitations, for there is "no possibility of the Government prevailing" in this matter.

19 1 Petitioner believes, in the case of having not filed a Tax "return" if so be the case, that there is ample "ground in law" meeting requirements of Roby v. Newton, 121 Ca. 679, 49 SE 694, and the same act or omission is done without a "bad purpose" meeting the requirements of Folton v. US 96 US 699 so as to preclude a charge of "willful failure to file a return/provide information", though being a good faith, VERIFIED under Oath Instrument/Petition, Petitioner have a knowledge of the law herein express and implied--or having depended upon one or a source who/which is superior in knowledge of law which has materially affected Petitioner's acts--and upon which change of position was effected.

20 2 370 US 1 (see F2d Report for insight beyond the US Reports contents.)



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168. Petitioner files this Petition in an effort to provide grounds for admission of arguments and allegations in a Court Of Law prior to and at trial of any issues herein and otherwise raised, and so that it can be said that all administrative remedies have been exhausted. If this is the incorrect procedure, or if there are additional items which must be covered, the Commissioner et.al. is requested to so notify Petitioner of same, under inter alia 5 USC 552 et.seqq.

169. This is a good faith attempt to exercise enforce and protect Petitioner's rights and immunities, and as soon as the IRS or CIR as an "institution" can prove jurisdiction, I shall happily cooperate in every way.

#### FREEDOM OF INFORMATION ACT

170 This is NOT a Freedom Of Information Request. Any FOIA (5 USC 552 (a)) requests will be forwarded separately.

#### RELIEF SOUGHT

171. Where hearings are required for production of evidence on the record, the same is requested, to be specifically identified by the CIR with at least one hearing preliminary to the evidenciary hearing being required to set the ground-rules for the evidenciary hearing.<sup>1</sup>

172. Where statutes require hearings, for the CIR to so notify the Petitioner, allowing no less than 30 days notice to allow for preparation therefore.

173. For a final order as to whether Administrative "primary" JURISDICTION exist--and a detailed list of the substantive and material evidence thereof not excluding all ultimate JURISDICTIONAL FACT upon which the order is based.

174. For a final order that the IRS Agents involved shall cease and desist in the herein expressly and impliedly complained of activity, and a reversal of the effects thereof effected forthwith in that inter alia, all money shall be returned, all property returned, all liens removed and nullified, investigations into private affairs be terminated, audits terminated, contacts of friends, relatives, neighbor acquaintances and associates be terminated, contacts with Petitioner be terminated as well as those of his family general, all contacts which are in the nature of harassment be terminated and all further activity limited to the confines of the law.

174-A. That all things, persons and Individuals be otherwise returned to their state and status quo existing prior to the facts which have given rise to this controversy.

175. For a final settlement agreement<sup>to</sup> be issued which states and complies with the above as may apply in cases related hereto and the Petitioner Demands that all items in 170 through 175 be granted to Petitioner as may apply and as may be additionally demanded in supplemental administrative motions and law briefs may require and merit and which supplemental instruments are adopted as reference as a part hereof as if set forth fully and at length herein at--upon Petitioner's filing of same, and to further grant remedy and relief as JUSTICE demands.

<sup>1</sup> with no less than 30 days notice for each hearing, and no less than 30 days transpiring in between preliminary and formal hearings.

176. That the IRS/CIR/Secretary of Treasury and the Examiners and Administrative Law Judges in this case issue **9024** Findings of Fact and Conclusions of Law based upon evidence offered on the record by the Petitioner Demandant and the Respondent; or in the alternative issue a report on the law which forbids, prohibits or otherwise makes such an issue impossible; all of which is directed only to the establishment and proof of "primary jurisdiction" by citation of evidence tending to prove existence of "jurisdictional Facts".<sup>1/</sup> As Authority for demand for Findings above, Petitioner Demandant cites Title 5 US Code, Section 557 (c) et seqq.<sup>2/</sup> and 5 USC 555 (e) that a denial of a written application (this Petition and DEMAND) "shall be accompanied by a brief statement of the grounds for denial".

- 21 1 Petitioner Demandant has destroyed any and every hint of evidence of primary jurisdiction of the IRS over him by the Affidavits attached hereto and has thusly destroyed the said jurisdiction--as surely as if in a Federal Civil Suit, he had defeated a Plaintiff's case by proving the Plaintiff's "amount in controversy" was not as required by 28 USC 1331 and defeated all other required jurisdictional facts as required in Noble v. RR Co., 147 US 165, 13 Sct. 271, 37 LEd 123, this being purely a "jurisdictional plea as in Howe v. Lisbon Bank, 111 Vt. 201, 14 A2d 3, 10, 28 USC 1652 as may apply anticipatorially in this case (a "trial" (sic) court to which this case may be taken being merely an extension of the IRS for reviewing (though superior) purposes (ERC v. GE, 50 Sct 389, 74 LEd 969; Keller v. FE, 43 Sct 445, 67 LEd 731)), the judges thereof being reduced thereby to mere clerks (extending Kenneth Culp Davis, ADMINISTRATIVE LAW, p. 12, Wests, 1965), except when considering JURISDICTION whereupon judges assume the role of judges in the matter.

NOTE Jurisdictional Facts can be required by Statute (see 28 USC) or by principles of Common Law Immunities or combinations thereof--as apply to this case.

- 22 2 see Phelps Dodge v. Labor Board, 313 US 177, 194-197, 85 LEd 1271, 61 Sct. 845, and general common law on the subject of findings, Renegotiation Board v. Grumman 421 US 168 NOTWITHSTANDING